A very faint, large watermark-like image of a classical building with four prominent columns is visible in the background.

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Maryland. Constitutional Convention, 1967 - 1968.

" Committee on General Provisions.

Reports.

GP - 1 -- GP - 13.

MARYLAND
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Vol. 3

FOLIO

CONSTITUTIONAL CONVENTION OF MARYLAND

INTRA-CONVENTION MEMORANDUM

DATE: 21 November 1967
TO: H. Vernon Eney, President
FROM: Mr. Ira J. Wagonheim, Chief Clerk
SUBJECT: Delegate Proposals covered by committee recommendation returned to Clerk's Office.

The Committee on GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation G.P. 1:

89
133

for second draft,
see S&D-2

Ira J. Wagonheim
Ira J. Wagonheim
Chief Clerk



Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-1

BY THE COMMITTEE ON General Provisions, Elroy G
Boyer, Chairman

October 25, 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 9, 89, 133

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on militia.
3

4 The Committee on General Provisions recom-
5 mends that the Constitution include the follow-
6 ing provision on militia:

7
8 The General Assembly may provide by law for
9 a Militia. The Governor shall be its Commander-
10 in-Chief and shall appoint its officers. The
11 Governor may order the Militia to active duty
12 to repel invasions, suppress insurrections,
13 enforce the execution of the laws and provide
14 assistance at such times when great destruction
15 of life or property may occur. The military
16 authority of the State shall be and remain sub-
17 ject to civil control in the person of the
18 Governor at all times. Only members of the
19 Militia when in actual service may be subject
20 to trial by a military court in this State.

21

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-1

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy G.
Boyer, Chairman

October 25 1967.

In support of Committee Recommendation No. GP-1

1 The Committee on General Provisions has
2 filed Committee Recommendation No. GP-1 on
3 Militia.

4

5 The Committee is agreed that the General
6 Assembly, with its ability to respond to chang-
7 ing conditions, should provide for the organiza-
8 tion and maintenance of the militia. A minor-
9 ity, seven Committee members, favored a manda-
10 tory provision, using the word "shall" instead
11 of the word "may" in line 8 of the recommendation.
12 The majority preferred to allow the legislature a
13 discretion broad enough to provide for a possible
14 future when the militia as now known might not
15 be needed.

16

17 The Committee favors the continuation of the
18 state's chief executive, and highest elected office-
19 holder, as "Commander-in-Chief".

20

21 The Committee is agreed that the Governor should
22 continue to appoint officers of the militia. Eight
23 members favored a motion to designate the principal
24 officer of the militia as "Adjutant General". The
25 motion was defeated. Those favoring omission of any
26 specific titles were not opposed to the continuance
27 of existing offices, or titles, but felt that the
28 matter did not warrant constitutional protection.

29

30 The word "order" (line 11) is considered to be
31 a more precise military usage than the phrase "call
32 out".

1 The Committee finds it essential that the
2 Governor have broad powers to order the militia to
3 active duty in the event of existing or threatening
4 civil or natural emergency. The words "may occur"
5 (line 15) were chosen in preference to such words
6 as "is imminent" to make it clear that the Gover-
7 nor may act sufficiently before the fact to protect
8 the people and their property.
9

10 The Committee unanimously urges that the prin-
11 ciple of civilian control over the military be
12 strongly stated in the Constitution. The language
13 recommended is intended to foreclose any possi-
14 bility that this traditional safeguard might be
15 circumvented. The words "in the person of the
16 Governor" (lines 17 and 18) are included to in-
17 dicate that this provision does not extend the
18 principle to include subservience of the militia
19 to other civil authorities such as a civil police
20 force.
21

22 The Committee recommends that only persons who
23 are charged with offenses committed while in
24 "actual service" (lines 19) as members of the
25 militia be subject to trial by a military court
26 of this State. The language is designed to make
27 it clear that a court martial shall have no jur-
28 isdiction to try civilians, even pursuant to a
29 purported declaration of "martial law" in time
30 of domestic disorder. It is felt that the words
31 "actual service" are more accurately descriptive
32 of the degree of military involvement properly
33 necessary to subject a person to court martial
34 jurisdiction than such phrases as "active Service".
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Constitutional Convention

MINORITY REPORT NO. GP-1

BY DELEGATES PULLEN, KIRK AND CALDWELL,
SOSNOWSKI, BLAIR, VECERA, REEVE, K.,
WHEATLEY AND KEY

OF THE COMMITTEE ON GENERAL PROVISIONS

October 31, 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Minority Report relates to Committee Recommendation No. GP-1

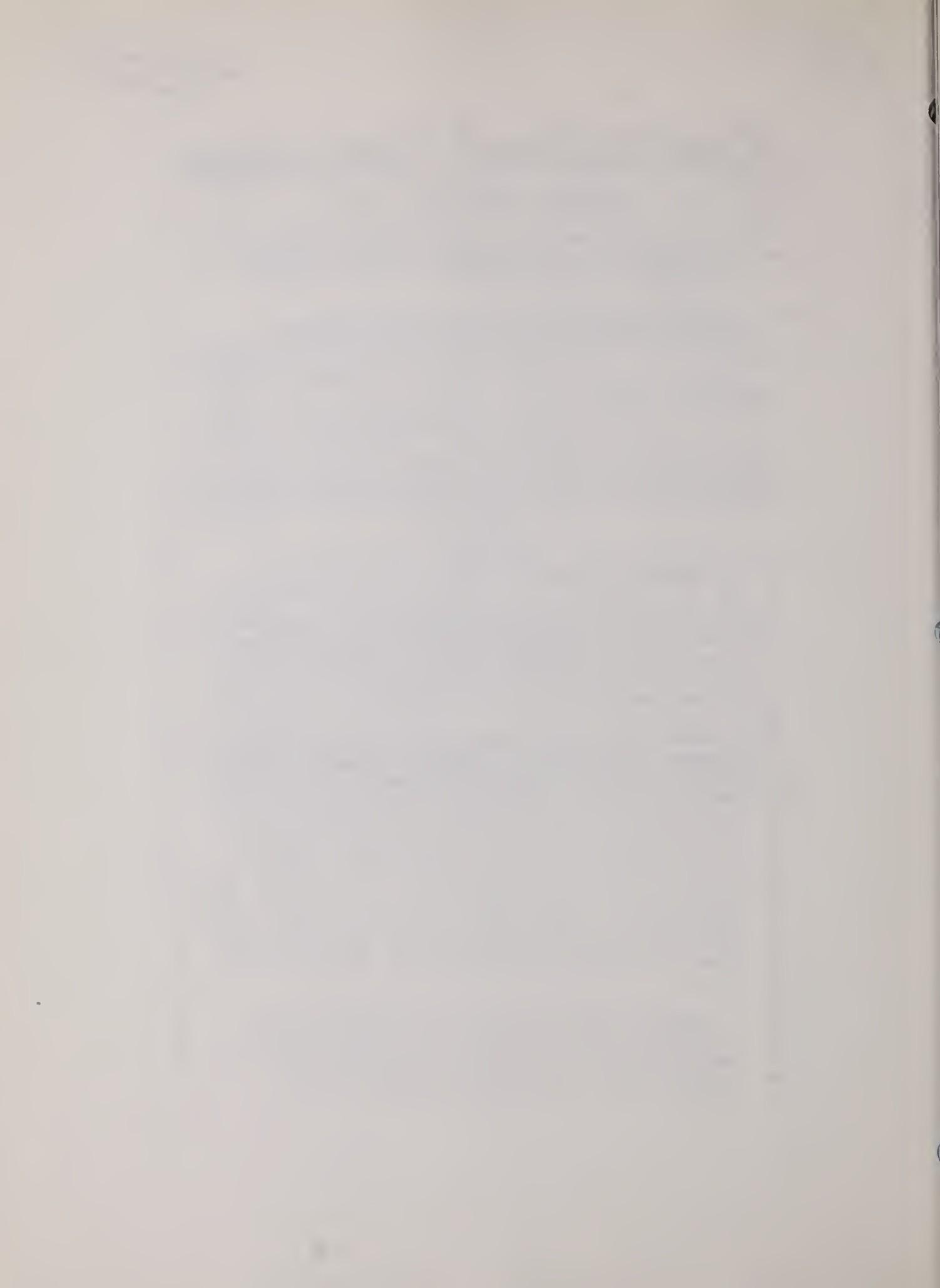
TITLE

1 A MINORITY REPORT concerning the militia.
2

3 Article 28 of the Declaration of Rights in
4 the Present Constitution of Maryland reads
5 as follows: "That a well regulated militia
6 is the proper and natural defense of a free
7 government."

8
9 The Draft Constitution, without giving any
10 reason whatsoever, simply eliminated this
11 section of the Declaration of Rights. There
12 was no discussion of this point in the Gen-
13 eral Provisions Committee. The minority of
14 the General Provisions Committee considers
15 it as important to include such a declara-
16 tion in the new constitution in order to pre-
17 serve the elements of a free government, es-
18 pecially in these times of trouble and occas-
19 sional uncontrolled disorder, as it was in
20 the Constitution prepared one hundred years
21 ago.

22
23 Section 8:05 of the Draft Constitution,
24 with some minor changes, was approved by a
25 majority of the General Provisions Com-
26 mittee, the actual vote being eight to
27 seven.



1 Two drastic changes from the wording of
2 the Present Constitution were made in the
3 Draft Constitution and in the recommenda-
4 tion of the General Provisions Committee:
5 (1) the word "may" was substituted for
6 the word "shall" in referring to the es-
7 tablishment and maintenance of a militia
8 by the General Assembly, and (2) the
9 position of adjutant general as a con-
10 stitutional officer was eliminated.
11

12 The vote in the General Provisions Com-
13 mittee to change "may" to "shall" was de-
14 feated 8-7. The vote to restore the posi-
15 tion of adjutant general was defeated by
16 a tie vote--8-8.
17

18 The minority believes strongly that a
19 well regulated and supported militia is a
20 necessary safeguard of the government of
21 a free people and that the lack of a speci-
22 fic directive in the Constitution for the
23 General Assembly to provide for and main-
24 tain a militia is an open invitation to the
25 General Assembly to abolish it. The police
26 force of a state is not adequate to perform
27 all the tasks commonly carried out by a
28 militia. The only alternative to a state
29 militia in times of stress, disorder, or
30 disaster is the bringing in of federal
31 troops by the president of the United States
32 at the request of the state governor. To
33 this procedure the minority is strongly op-
34 posed, except in the case of direct neces-
35 sity.
36

37 The president of the United States is the
38 commander-in-chief of the armed forces of the
39 nation, and each governor is the commander-
40 in-chief of the state militia. The reason for
41 this designation is mainly to establish the
42 principle that the military is subordinate to
43 the civil; there is no hint that the civilian
44 head is a military leader. But there is a dan-
45 ger that the civilian leader may conceive of
46 the idea that he is a military man and take
47 charge of the troops; history is replete with
48 cases in which kings, princes, and potentates
49 have assumed command of armed forces with dis-
50 astrious results. The framers of the present



1 state constitutuion were well aware of this
2 psychological influence and very appropri-
3 ately wrote into the present constitution
4 that the governor should not assume control
5 without permission of the General Assembly.
6

7 The provision that calls for an adjutant
8 general should remain in the constitution
9 to insure in these especially turbulent times
10 that a professional should command troops.
11 It is most important when the army is a
12 civilian army. Today, when elected offi-
13 cials rush to exciting spots with alacrity
14 and attempt to take charge of events, it
15 is wise to protect the people against the
16 possibility of undue assumption of authori-
17 ty by a potential "man on horseback."
18

19 It is unfortunate that the explanatory
20 notes in the Report of the Constitutional
21 Convention Commission offered no comment
22 and no hint that "shall" would be changed
23 to "may" nor any explanation later as to why
24 the change was made; nor was there any ref-
25 erence to the elimination of the position
26 of adjutant general in the Draft Constitu-
27 tion in the discussion. These omissions
28 could be due either to carelessness or
29 intent; either is unfortunate.
30

31 The minority respectfully asks the Con-
32 vention to restore the word "shall" and
33 to include the naming of an adjutant gen-
34 eral in the document.
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Constitutional Convention

AMENDMENT NO. 1

reject

To Committee Recommendation No. GP-1

BY DELEGATE PULLEN

1 In line 8 on page 1 of the printed Committee
2 Recommendation No. GP-1, strike out the word
3 "may" and insert in lieu thereof the word
4 "shall".
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COLLEGE PARK, MD.

Rejected

Constitutional Convention

AMENDMENT NO. 2

To Committee Recommendation No. GP-1

BY DELEGATE PULLEN

1 In line 10 on page 1 of the printed Com-
2 mittee Recommendation No. GP-1, after the
3 word "appoint" strike out the word "its" and
4 insert the words "the Adjutant-General and
5 the".
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COLLEGE PARK, MD.

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COLLEGE PARK, MD.

Constitutional Convention

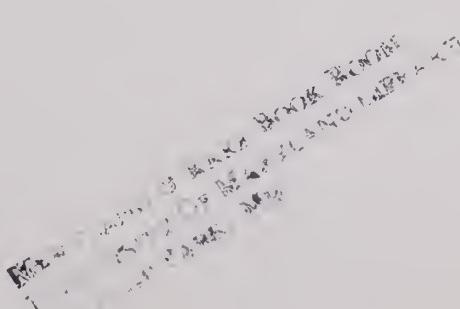
AMENDMENT NO. 3 *Rej.*

To ~~Amendment No. XXXXXX~~

To Committee Recommendation No. GP-1

BY DELEGATE BAMBERGER

1 In lines 17 and 18 on page 1 of Committee
2 Recommendation No. GP-1, strike out the words
3 "in the person of the Governor".
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Constitutional Convention

AMENDMENT NO. 4

To Amendment No. ~~xxxxxx~~

To Committee Recommendation No. GP-1

BY DELEGATE BAMBERGER

1 In lines 13-15 on page 1 of Committee
2 Recommendation No. GP-1, strike out the
3 words "and provide assistance at such times
4 when great destruction of life or property
5 may occur".
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Constitutional Convention

AMENDMENT NO. 65

To Amendment No. xxxxxx

To Committee Recommendation No. GP-1

BY DELEGATE MARION

1 In line 10 of page 1 of Committee Recommendation No. GP-1, strike out the words "its officers"
2 and insert in lieu thereof the words "such officers
3 as the General Assembly may by law provide".
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REJ

THE MARY S. BAKER GOOD ROLL
COMMITTEE OF THE GENERAL ASSEMBLY
OF THE STATE OF MASSACHUSETTS

Constitutional Convention

AMENDMENT NO. 6 *ney*

To Amendment No. xxxxxx

To Committee Recommendation No. GP-1

BY DELEGATES CARDIN, CASE, GRUMBACHER, FOX,
CARSON, GULLETT, HANSON, HARDWICKE

1 In line 10 on page 1 of Committee Recommendation No. GP-1, after the word "Chief", insert a
2 period and strike out the remainder of the section.
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Constitutional Convention

AMENDMENT NO. 11

To Amendment No. xxxxxx

To Committee Recommendation No. GP-1

BY DELEGATES SCANLAN AND WEIDEMEYER

1 In line 13 on page 1 of Committee Recommendation
2 No. GP-1, after the word "laws", insert a
3 comma.
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Constitutional Convention

AMENDMENT NO. 8

To Amendment No. ~~xxxxxx~~

To Committee Recommendation No. GP-1

BY DELEGATE MARION

1 On page 1 of Committee Recommendation No.
2 GP-1, strike out the last sentence and add
3 "A member of the militia may be subject to
4 trial by a military court in this State only
5 for offenses committed while the member is
6 in actual service."

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Constitutional Convention

AMENDMENT NO. 9 *rej.*

To Amendment No. XXXXXX

To Committee Recommendation No. GP-1

BY DELEGATE STORM

1 In line 10 on page 1 of Committee Recommen-
2 dation No. GP-1, after the word "Chief", insert a
3 period and strike out the remainder of the sentence.
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Constitutional Convention

AMENDMENT NO. 11 wd.

To Amendment No. XXXXXX

To Committee Recommendation No. GP-1

BY DELEGATE BARRICK

1 In line 15 on page 1 of Committee Recommendation
2 No. GP-1, after the word "occur", insert
3 "or has occurred".
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Constitutional Convention

AMENDMENT NO. 12

To ~~Amendment No. xxxxxx~~

To Committee Recommendation No. GP-1

BY DELEGATE SINGER

1 In line 12 on page 1 of Committee Recommendation
2 No. GP-1, strike out "repel invasions,".

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N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

INTRA-CONVENTION MEMORANDUM

DATE: 21 November 1967

TO: H. Vernon Eney, President

FROM: Mr. Ira J. Wagonheim, Chief Clerk

SUBJECT: Delegate Proposals covered by committee recommendation
returned to Clerk's Office.

The Committee on GENERAL PROVISIONS has returned the
following proposals with the report that they are covered by
Committee Recommendation G.P. 2:

180
405

for second draft

see

S+D - 4

Ira J. Wagonheim
Ira J. Wagonheim
Chief Clerk

13

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-2

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

November 2 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 9, 180, and 405.

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on oath.
3

4 The Committee on General Provisions recom-
5 mends that the Constitution include the follow-
6 ing provision on oath:

7
8 Every person elected or appointed to any of-
9 fice of profit or trust under the Constitution
10 or laws of this State shall, before he enters
11 upon the duties of such office, take and sub-
12 scribe the following oath or affirmation: "I,
13 _____, do swear (or affirm)
14 that I will support the Constitution of the
15 United States; that I will be faithful and bear
16 true allegiance to the State of Maryland and
17 support the Constitution and laws thereof; and
18 that I will, to the best of my skill and judg-
19 ment, diligently and faithfully, without par-
20 tiality or prejudice execute the office of
21 _____, according to the Constitution
22 and laws of this State." No other oath or
23 affirmation shall be required.

24

1 Should any person elected or appointed to
2 an office of profit or trust refuse or neglect
3 to take the oath or affirmation, then such of-
4 fice shall be vacant, and shall be filled as
5 provided by law.

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College Park, Md.

13 Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-2

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

November 2 , 1967.

In support of Committee Recommendation No. GP-2.

1 The recommended provision is designed to safe-
2 guard two fundamental principles: that assumption
3 of office should be solemnized with a basic oath
4 of allegiance and that eligibility to assume of-
5 fice should not be circumscribed by a variety of
6 political or religious tests.
7

8 The language recommended for the oath is identi-
9 cal to that in the existing Constitution (Article
10 I, Section 6) except that it does not include the
11 final clause which now requires Governor, Legis-
12 lator and Judge to swear that he "will not direct-
13 ly, or indirectly, receive the profits or any
14 part of the profits of any other office" during
15 his term. In omitting this clause, the Committee
16 does not intend to pass upon the merits of contin-
17 uing a prohibition against plurality of office.
18 Such a prohibition is only one of several limi-
19 tations which may be placed on office holders by
20 Constitution or by statute and would be enforce-
21 able without enumeration in the oath. The recom-
22 mended provision will allow integrated treatment
23 elsewhere of the entire matter of conflicts of
24 interest. The Committee was unanimous in the de-
25 cision to eliminate this clause from the recom-
26 mended oath.
27

28 The Committee believes that the provision
29 should clearly state that the taking of the oath
30 of office is a condition precedent to the exer-
31 cise of the office. Therefore, the final sen-
32 tence is included to make it clear that this
33 provision is mandatory and not merely directory.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

INTRA-CONVENTION MEMORANDUM

DATE: December 13, 1967

To: All Delegates

The attached memorandum, pertaining to Committee Recommendation GP-2, has been distributed at the request of Delegates Blair, Boyer and Rybczynski.

CONSTITUTIONAL CONVENTION OF MARYLAND
147

DATE: November 13, 1967
TO: Delegates Bamberger and Sosnowski
FROM: Arthur Hays, Convention Research Staff
SUBJECT: Constitutionality of oath provision which includes an alternative reference to God.

Introduction. Amendment A to Committee Recommendation GP-2 provides for a reference to God to be placed in parentheses in the oath provision of the proposed constitution. The amendment is designed to permit the oath-taker the alternative of invoking the presence of God or omitting any reference to a Supreme Being in his oath of office. Recent decisions of the United States Supreme Court have left the whole area of church-state relations in doubt. The purpose of the paper is to examine language employed in several cases to determine if the above amendment would result in any constitutional infirmity.

The Torcaso and Engel Cases. The Torcaso case involved a person who was denied his commission as notary public because he refused to declare his belief in the existence of God as required by Article 37 of the Maryland Declaration of Rights. The Maryland Court of Appeals held that the requirement was constitutional under the First and Fourteenth Amendments of the United States Constitution and refused to grant relief. Torcaso v. Watkins, 223 Md. 49 (1959). On appeal to the U. S. Supreme Court, that court reversed the decision of the Maryland court. In holding Article 37 of the Maryland

Declaration of Rights invalid, the Supreme Court stated that:

"Neither a State nor the Federal Government can constitutionally force a person to profess a belief or disbelief in any religion [or] aid all religions as against non-believers...." Torcaso v. Watkins, 367 U. S. 488 (1961).

The Engel case involved a regulation of the New York Board of Regents which prescribed a short prayer to be recited in the public schools at the commencement of classes. The prayer was short and "neutral" in the sense that its wording was broad enough to be inoffensive to any religious sect which believed in a Supreme Being. Children were not required to participate in the recitation and could leave the classroom during the recitation or stay within the classroom and remain silent. One of the avowed purposes of this commencement recitation was to promote knowledge of the American "spiritual heritage". The U. S. Supreme Court ruled that the regulation was unconstitutional under the First and Fourteenth Amendments and went on to state that:

"We think...that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government." Engel v. Vitale, 370 U.S. 421 (1962).

Conclusions. As far as can be determined, the particular question raised in this paper has never been dealt with by the courts, and no specific language has been found in any case which would either permit or prohibit the alternative wording provided by Amendment A to Committee Recommendation GP-2.

It is clear from the Torcaso case that the States may not require a declaration of belief in the existence of God as a

pre-condition to assumption of public office. Likewise, an oath of office which required a person to invoke the presence of God might be ruled unconstitutional in that it would require the oath-taker to go against his religious beliefs in order to assume public office.

The amendment provides an alternative oath for both the believer and non-believer. It should be noted that the oath of the President of the United States implicitly provides for recognition of God when it provides for the alternative:

"I do solemnly swear (or affirm)" U.S. Const.,
art. III, § 1.

The apparent reason for providing the affirmation alternative was that some men of conscience would not swear since they considered swearing as blasphemous and taking the Lord's name in vain. Thus, the presidential oath provides some precedent for supplying alternative oaths to accommodate men of differing religious beliefs or persuasions.

The Engel case poses a more difficult problem. There, as in the proposed oath, there was a government sponsored prayer or supplication with the alternative of silence. To this writer, however, there is one distinction between the two situations which lead to different results. The Engel case involved an avowed governmental effort at religious education and awareness. It would be stretching the imagination to the breaking point to see behind the proposed oath a similar governmental design. The proposed oath is merely designed to accommodate both believers and non-believers.

One difficulty remains. Disbelief in a Supreme Being is contrary to the general mores and orthodox thought of American society. In the Engel case, the court recognized the psychological coercion and loss of standing which might result from a child's refusal to recite the prescribed prayer. A prospective oath-taker, who happened not to believe in a Supreme Being, might feel under some compulsion to recite the alternative approach invoking the presence of God in order to conform to majority opinion.

It is impossible to say whether the compulsion involved in that situation would be such as to cause the courts to rule the oath invalid. However, certain distinctions exist between the psychological coercion involved in the school prayer situation and that which might exist under the proposed oath: (1) the coercion of the school child was continuing since the recitation occurred each day, (2) the silence of the school child while his classmates recited the prayer would probably be more obvious than the mere omission of reference to God in the taking of an oath, and (3) the greater maturity of any oath-taker would tend to diminish the effect of any coercive influences.

It would seem that any coercive effect involved in permitting, but not requiring, the invocation of the presence of God in the oath would be so small as to be non-existent.

As noted previously, the determination of the relationships between the state and religion permitted under the United States Constitution is in a state of flux. In this situation, it might be preferable to delete any mention of God in the oath to prevent any future question arising on its constitutionality. It should be noted that there would be nothing to prohibit an oath-taker from invoking the presence of God either before or after the official oath. The omission of any reference to a Supreme Being would have the added advantage of freeing the oath-taker to invoke the presence of God in the manner he desires.

Constitutional Convention

AMENDMENT NO. 1

~~This Amendment No. xxxxx~~

To Committee Recommendation No. GP-2

BY DELEGATES RYBCZYNSKI AND RUSH

A

1 On page 1, line 12 of Committee Recommen-
2 tation No. GP-2, after the quotation mark, insert
3 the words: "(In the presence of Almighty God)".
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C

Constitutional Convention

AMENDMENT NO. 1

~~To Amendment No. XXXXXXXXX~~

To Committee Recommendation No. GP-2
As amended by Report No. S & D - 4

BY DELEGATE S SEE SPONSORS BELOW

1 On page 1 Section Oath strike out all
2 of lines 10 and 11 and insert in lieu thereof
3 the following: " "I, _____, ".
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17 BY DELEGATES CARDIN, BAMBERGER, BARD,
18 BENNETT, BOILEAU, BOROM, BOTHE, BOYCE,
19 BRYSON, BYRNES, CALDWELL, CARSON, CASE,
20 CHABOT, DARBY, FOX, FREEDLANDER, GALLAGHER,
21 GILCHRIST, ~~GLEASON~~, GRANT, GRUMBACHER, GULLETT,
22 HANSON, HARDWICKE, HARGROVE, HENDERSON,
23 HUTCHINSON, JETT, KEY, KOGER, KOSS, LEITZEL,
24 LINTON, LORD, MACDONALD, MARION, MASON,
25 MAURER, B. MILLER, MITCHELL, MORGAN,
26 MOSER, D.S. MURRAY, NEEDLE, POWERS, RALEY,
27 K.L. ROBIE, ROLLINS, ~~SCANLAN~~, SCHLOEDER,
28 SINGER, J.H. SMITH, SOLLINS, STORM,
29 H. TAYLOR, L. TAYLOR, ULRICH, WHITE, WILLIS,
30 WILLONER, WINSLOW
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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 1 to
Com. Rec. GP-2 (2nd
reading)

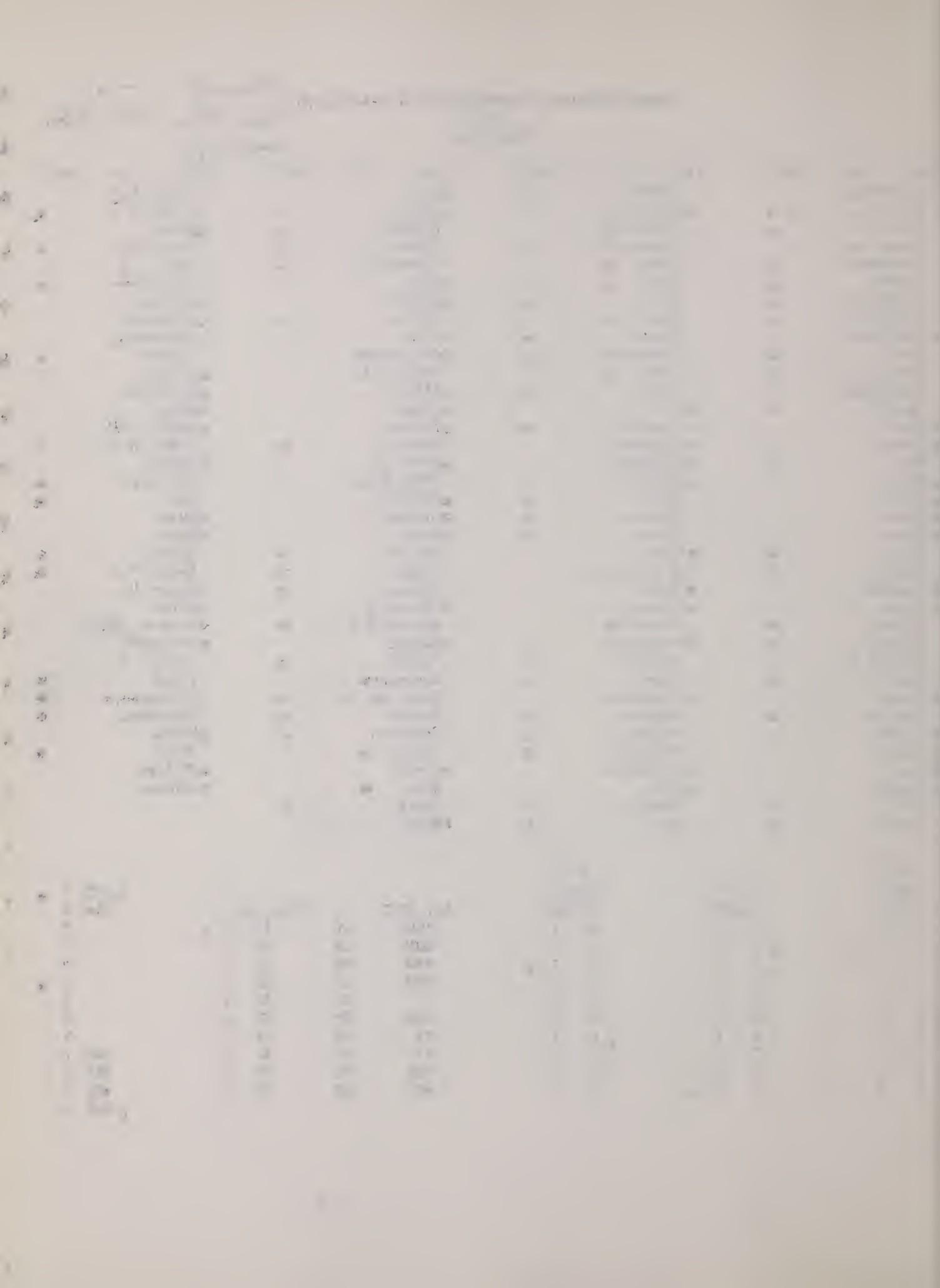
EAS	N-V	NAYS
President		
Tawes		●
Clark, J.		●
James	●	
Abramson		●
Adkins		●
Anderson		●
Armor		●
Bamberger		●
Bard		●
Barrick		●
Baumann	●	
Beachley		●
Beall		●
Bennett		●
Blair		●
Boileau		●
Borom		●
Bothe		●
Boyce		●
Boyer		●
Boyles		●
Bradshaw		●
Bryson		●
Burdette		●
Burgess		●
Bushong	●	
Buzzell		●
Byrnes		●
Caldwell		●
Cardin		●
Carson		●
Case		●
Chabot		●
Child		●
Cicone		●

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YEAS		N-V		NAYS	
100-200		100-200		100-200	
0	0	0	0	0	0
1	1	●	1	1	
2	2	●	2	2	●
3	3	●	3	3	●
4	4	●	4	4	
5	5	●	5	5	
6	6	●	6	6	
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8	8	●	8	8	
9	9	●	9	9	

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DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 1 ●
2000	200	3
3000	300	1
4000	400	2
	500	3
RESO.	600	4
2-R.	700	5
3-R.	800	6
QUO.	900	SEPT. 7
MOT.	000	OCT. 8
		NOV. 9
		DEC. 0



B

Constitutional Convention

AMENDMENT NO. 2

~~XXXXXXXXXXXXXX~~

To Committee Recommendation No. GP-2
As amended by Report No. S&D-4

BY DELEGATE SICKLES

1 On page 1 Section Oath strike out all
2 of line 11 and insert in lieu thereof the
3 following:

4 " "I, _____, ";

5 And in line 20 after the word "State" add
6 the words:

7 "(So help me God)".

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

*Amend. 2 to GP-2
(2nd reading)*

YEAS	N-V	NAYS
President		
Tawes		●
Clark, J.		●
James	●	
Abramson		●
Adkins		●
Anderson		●
Armor		●
Bamberger		
Bard		
Barrick		●
Baumann		
Beachley		●
Beall		
Bennett		
Blair		●
Boileau		
Borom	●	
Bothe		
Boyce		
Boyer		
Boyles		●
Bradshaw		
Bryson		
Burdette		●
Burgess		●
Bushong	●	
Buzzell		●
Byrnes		●
Caldwell	●	
Cardin		
Carson		
Case		
Chabot		
Child		
Cicone		●

YEAS	N-V	NAYS
Clacott		●
Clarke, E. J.		
Cleveland		
Dabrowski		
Darby	●	
Della	●	
Dorsey		●
Dukes	●	
Dulany		
Eckenrode		●
Finch	●	
Fornos		
Fox		●
Frederick		●
Freedlander		●
Gallagher		●
Gilchrist		
Gill		●
Gleason		●
Grant		
Grob		●
Grumbacher		
Gullett		
Hanson		
Hardwick		
Hargrove		
Harkness		
Harris		
Henderson		
Hickman		
Hopkins		
Hostetter		
Hutchinson		
Jett		●
Johnson		●
Kahl		●

YEAS	N-V	NAYS
Key		
Kiefer		●
Kirkland		●
Koer		●
Kosakowski		●
Koss		●
Leitzel		●
Linton		●
Lord		
Macdonald		
Malkus	●	
Marion		●
Mason		
Maurer		
Mentzer		
Miller, B.		
Miller, E.		
Mitchell		
Morgan		
Moser		●
Mosner		
Mudd		
Murphy		●
Murray, D. S.		●
Murray, E. C.		
Needle		
Neilson		
Neumann		
Smith, A. W.		●
Pascal		●
Penniman		
Peters	●	
Powers		●
Price	●	
Pullen		
Raley	●	

YEAS	N-V	NAYS
Robey, F. C.		
Robie, K. L.		●
Rollins		●
Rosenstock		●
Rush	●	
Rybaczynski		●
Scanlan		
Schloeder		
Schneider		
Sherbow		
Sickles		
Siewierski		
Singer	●	
Smith, J. H.		
Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm		
Sybert		
Taylor, H. E.		
Taylor, L.		
Ulrich		
Vecera		
Wagandt		
Webb	●	
Ritter		
Weidemeyer		
Wheatley		
White		
Willis		
Willoner		
Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 2
2000	200	3
3000	300	1
4000	400	2
500	50	3
RESO.	60	4
2-R.	70	5
3-R	80	6
QUO.	90	7
MOT.	00	SEPT. 8
		OCT. 9
		NOV. 9
		DEC. 0

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Com. Rec. GP-2
(2nd reading) as
amended.

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Claquett			Key	●		● Robey, F. C.		
● Tawes			Clarke, E. J.		●	● Kiefer			● Robie, K. L.		
● Clark, J.			Cleveland			● Kirkland			● Rollins		
James	●		● Dabrowski			● Kooger			● Rosenstock		
● Abramson			● Darby			● Kosakowski			Rush	●	
● Adkins			Della	●		Koss		●	● Rybczynski		
● Anderson			● Dorsey			● Leitzel			Scanlan		
● Armor			Dukes	●		● Linton			Schloeder		
Bamberger			● Dulany			● Lord			Schneider	●	
● Bard			● Eckenrode			Macdonald			● Sherbow		
● Barrick			Finch	●		Malkus	●		Sickles		
Baumann			● Fornos			Marion		●	Siewierski		
● Beachley			Fox		●	● Mason			Singer		
● Beall			● Frederick			Maurer			● Smith, J. H.		
Bennett		●	Freedlander			● Mentzer			● Smith, M. H.		
● Blair			Gallagher		●	● Miller, B.			Sollins		
Boileau			● Gilchrist			Miller, E. T.			● Sosnowski		
Borom		●	Gill			Mitchell		●	● Soul		
Bothe		●	● Gleason			● Morgan			Stern		
● Boyce			● Grant			● Moser			● Storm		
● Boyer			Groh		●	● Mosner			● Sybert		
● Boyles			Grumbacher			● Mudd			● Taylor, H. E.		
● Bradshaw			Gullett			● Murphy			Taylor, L.		
● Bryson			Hanson			● Murray, D. S.			Ulrich		
● Burdette			Hardwick			● Murray, E. C.			● Vecera		
● Burgess			● Hargrove			● Needle			Wagand		
Bushong	●		● Harkness			● Neilson			Webb	●	
● Buzzell			● Harris			Neumann			● Ritter		
● Byrnes			● Henderson			● Smith, A. W.			● Weidemeyer		
● Caldwell			● Hickman			● Pascal			● Wheatley		
Cardin		●	● Hopkins			● Penniman			● White		
Carson		●	● Hostetter			Peters	●		Willis		
● Case			Hutchinson		●	● Powers			Willoner		
Chabot			Jett			Price	●		● Winslow		
● Child			● Johnson			● Pullen					
● Ciccone			Kahl			Raley	●				

YEAS 100-200	N-V 100-200	NAYS 100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
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3000	300	1
4000	400	2
500	50	3
RESO.	600	4
2-R.	700	5
3-R.	800	6
QUO.	900	7
MOT.	000	SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

CONSTITUTIONAL CONVENTION OF MARYLAND

INTRACONVENTION MEMORANDUM

DATE: 21 November 1967

TO: H. Vernon Eney, President

FROM: Mr. Ira J. Wagonheim, Chief Clerk

SUBJECT: Delegate Proposals covered by committee recommendation returned to Clerk's Office.

The Committee on GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation G.P. 3:

199
273
391
415

for second draft
see

S+D - 6

Ira J. Wagonheim
Ira J. Wagonheim
Chief Clerk

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-3

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman.

November 3 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 199, 273, 391
and 415.

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on natural resources.
3

4 The Committee on General Provisions recom-
5 mends that the Constitution include the follow-
6 ing provision on natural resources:

7 The General Assembly shall provide by law for
8 the conservation, enhancement, improvement and
9 protection of the natural resources and environ-
10 ment, and scenic beauty of the State.
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UNIVERSITY OF MARYLAND LIBRARY
COLLEGE PARK, MD

Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-3

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

November 3, 1967.

In support of Committee Recommendation No. GP-3.

1 The Committee on General Provisions has filed
2 Committee Recommendation No. GP-3 on natural re-
3 sources.

4

5 The Committee agreed that "the conservation,
6 enhancement, improvement and protection of the
7 natural resources and environment, and scenic
8 beauty of the State" should be guaranteed by
9 constitutional provision.

10

11 The Committee agreed that the provision
12 should declare a general policy and fix respon-
13 sibility for definition and implementation with
14 the General Assembly. The Committee agreed
15 that the mandatory form, "shall," was necessary
16 and that the General Assembly must assume res-
17 ponsibility for this vital public interest.

18

19 After considerable discussion, the Committee
20 agreed unanimously that definition and enumera-
21 tion of things to be protected, enhanced, con-
22 served, and improved was unwise and inappropriate.
23 The Committee felt that general language provides
24 the flexibility necessary to include at a later
25 time something as a "natural resource" which
26 might not now be considered so. Also, enumera-
27 tion might be construed to be deliberate exclu-
28 sion of a resource.

29

30 The Committee agreed that the phrase "natural
31 resources and environment, and scenic beauty"
32 should be given the broadest possible inter-

1 pretation. For example, the Committee agreed
2 that the abatement and prevention of air and
3 water polution would fall within the language
4 used. The Committee intends that wild life
5 and marine life, shorelines, timberlands, wet-
6 lands, agricultural lands, and geological sites
7 be included within the scope of the recommended
8 language but are illustrative and not exclusive.
9

10 The Committee adopted "conservation, enhance-
11 ment, improvement, and protection" to allow
12 broad legislative authority. The Committee
13 wants the General Assembly to have extensive
14 responsibility beyond mere regulatory author-
15 ity. The provision is intended to encourage
16 redemptive and preservative action.

17

18 Final action of the Committee was by a vote
19 of twelve in favor and one against the recom-
20 mended provision.

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CONSTITUTIONAL CONVENTION OF MARYLAND

1967

ROLL CALL

Com Rec
GP-3

AS	N-V	NAYS
President		
Tawes	X	
Clark, J.		
James		
Abramson		
Adkins		●
Anderson		
Armor		
Bamberger		
Bard		
Berrick	●	
Gaumann		
Eachley		
Wall		
ennett		
lair		
oileau		
orom		
othe		●
oyce		●
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oyles	●	
radshaw		●
ryson		●
urdette		
urgess		
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izzell		
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aldwell		
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YEAS	N-V	NAYS
● Clagett		
● Clarke, E. J.		
Cleveland		
● Dabrowski		
● Darby		
Della		●
Dorsey		●
Dukes	●	
Dulany		●
● Eckenrode		
● Finch		
● Fornos		
● Fox		
● Frederick		
● Freedlander		
● Gallagher		
Gilchrist		●
● Gill		
● Gleason		
● Grant		
● Groh		
● Grumbacher		
● Gullett		
● Hanson		
Hardwicke		●
Hargrove		
Harkness		●
● Harris		
Henderson		●
● Hickman		
● Hopkins		
● Hostetter		
● Hutchinson		
● Jett		
● Johnson		
● Kahl		

YEAS	N-V	NAYS
● Key		
Kiefer	●	
● Kirkland		
Koger	●	
● Kosakowski		
Koss		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus	●	
● Marion		
● Mason		
● Maurer		
Mentzer		●
● Miller, B.		
● Miller, E. T.		
● Mitchell		
● Morgan		
● Moser		
● Mosner		
● Mudd		
● Murphy		
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● O'Conor		
Pascal	●	
● Penniman		
Peters		●
● Powers		
● Price		
● Pullen		
● Raley		

YEAS	N-V	NAYS
Robey, F. C.		●
● Robie, K. L.		
● Rollins		
● Rosenstock		
● Rush		
● Rybczynski		
Scanlan		●
● Schloeder		
Schneider		●
● Sherbow		
● Sickles		
● Siewierski		
● Singer		
● Smith, J. H.		
Smith, M. H.		●
● Sollins		
● Sosnowski		
● Soul		
Stern		●
● Storm		
● Sybert		
● Taylor, H. E.		
● Taylor, L.		
● Ulrich		
● Vecera		
Wagand	●	
● Webb		
● Webster		
Weidemeyer		●
● Wheatley		
● White		
● Willis		
Willoner		●
Winslow		

EAS	N-V		NAYS	
10-200	100-200		100-200	
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1	● 1	1	1	●
2	2	2	● 2	2
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7	● 7	7	7	7
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DEL. PRO.	COM. REC.
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500	50
RESO.	60
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3-R.	80
QUO.	90
MOT.	00
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	20 2
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	40 4
	50 5
	60 6
	70 7
	80 8
	90 9
	00 0

DATE:	1	●
JAN.	2	
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SEPT.	7	
OCT.	8	
NOV.	9	
DEC.	0	

A

Constitutional Convention

AMENDMENT NO. 1

~~XXIX Amendment XXIX~~

To Committee Recommendation No. GP-3

BY DELEGATE HARDWICKE

1 Strike out lines 8 through 11 and substitute
2 in lieu thereof the following:

3
4 "It shall be the policy of this State that
5 the state government shall, by appropriate
6 action, conserve, enhance, improve and protect
7 the natural resources and environment, and
8 scenic beauty of the State."

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A-16

F-106

CONSTITUTIONAL CONVENTION OF MARYLAND

1967

ROLL CALL

Amend 1

to GP-3

	N-V	NAYS
ident		
es		●
k, J.		
nes		
amson		●
cins	●	
derson		●
nor		●
nberger		●
d		●
rick	●	
imann		●
schley		●
all	●	
innett		●
ir		●
leau		●
rom		●
the		●
yce		●
yer		●
yles	●	
adshaw		●
yson		●
rdette		●
rgess		●
shong	●	
zzell		●
rnes		●
ldwell		●
ardin		●
arson		●
ase		●
habot		●
hild		●
icone		●

	YEAS	N-V	NAYS
Clagett		●	
Clarke, E. J.		●	
Cleveland			
Dabrowski			
Darby	●		
Della		●	
Dorsey		●	
Dukes	●		
Dulany		●	
Eckenrode		●	
Finch		●	
Fornos		●	
Fox		●	
Frederick		●	
Freedlander		●	
Gallagher		●	
Gilchrist		●	
Gill		●	
Gleason		●	
Grant		●	
Groh		●	
Grumbacher		●	
Gullett		●	
Hanson		●	
Hardwicke		●	
Hargrove	●		
Harkness		●	
Harris		●	
Henderson		●	
Hickman		●	
Hopkins		●	
Hostetter		●	
Hutchinson		●	
Jett		●	
Johnson	●		
Kahl		●	

	YEAS	N-V	NAYS
Key		●	
Kiefer	●		
Kirkland		●	
Koher	●		
Kosakowski		●	
Koss		●	
Leitzel		●	
Linton		●	
Lord		●	
Macdonald		●	
Malkus		●	
Marion		●	
Mason		●	
Maurer		●	
Mentzer		●	
Miller, B.		●	
Miller, E. T.		●	
Mitchell		●	
Morgan		●	
Moser		●	
Mosner		●	
Mudd		●	
Murphy		●	
Murray, D. S.		●	
Murray, E. C.		●	
Needle		●	
Neilson		●	
Neumann		●	
O'Conor		●	
Pascal	●		
Penniman		●	
Peters		●	
Powers		●	
Price		●	
Pullen		●	
Raley		●	

	YEAS	N-V	NAYS
Robey, F. C.		●	
Robie, K. L.		●	
Rollins		●	
Rosenstock		●	
Rush		●	
Rybaczynski		●	
Scanlan		●	
Schoeder	●		
Schneider		●	
Sherbow		●	
Sickles		●	
Siewierski	●		
Singer		●	
Smith, J. H.		●	
Smith, M. H.		●	
Sollins	●		
Sosnowski		●	
Soul		●	
Stern		●	
Storm		●	
Sybert		●	
Taylor, H. E.		●	
Taylor, L.		●	
Ulrich		●	
Vecera	●		
Wagandt		●	
Webb		●	
Webster		●	
Weidemeyer		●	
Wheatley		●	
White		●	
Willis		●	
Willoner		●	
Winslow		●	

YEAS	N-V		NAYS	
	100-200	100-200	● 100-200	100-200
1 0	0	0	●	0
1 1	1	1		1
2 2	2	2		2
3 3	3	3		3
4 4	4	4		4
5 5	5	5		5
6 6	6	6		6
7 7	7	7		7
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9 9	9	9		9

	DEL. PRO.	COM. REC.
	1000	100 10 1
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	500	50 5 5
RESO.	600	60 6 6
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3-R.	800	80 8 8
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DATE:	1
JAN.	2
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SEPT.	7
OCT.	8
NOV.	9
DEC.	0

Constitutional Convention

AMENDMENT NO. _____

~~To Amendment No. _____~~

To Committee Recommendation No. GP-3

BY DELEGATE ADKINS

1 On page 1 line 8, strike out the word
2 "shall" and insert in lieu thereof the word
3 "may".
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CONSTITUTIONAL CONVENTION OF MARYLAND

1967

ROLL CALL

Amend?

D G P - 3

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O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

INTRA- CONVENTION MEMORANDUM

DATE: 21 November 1967
TO: H. Vernon Eney, President
FROM: Mr. Ira J. Wagonheim, Chief Clerk
SUBJECT: Delegate Proposals covered by committee recommendation
returned to Clerk's Office.

The Committee on GENERAL PROVISIONS has returned the
following proposals with the report that they are covered by
Committee Recommendation G.P. 4:

250
285

for second draft
see

S+D - 5

Ira J. Wagonheim
Ira J. Wagonheim
Chief Clerk

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-4

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

November 9 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 250, 285

TITLE

1 A RECOMMENDATION that the Constitution include
2 a provision on Consumer Protection, to read as
3 follows:

4
5 The General Assembly shall by law provide for
6 the protection and education of the citizens of
7 the state against harmful and unfair business
8 practices.

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-4

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy G.
Boyer, Chairman

November 9 , 1967.

In support of Committee Recommendation No. GP-4

1 The Committee finds that it is a fundamental
2 duty of the state government to provide for the
3 protection of the public against unethical and
4 deceptive business practices. This duty warrants
5 constitutional expression to insure that existing
6 protective law in this area be continued and ex-
7 panded. Every citizen must be guaranteed a real
8 opportunity to protect himself against the decep-
9 tive representations of persons who would take
10 his money without giving reasonably fair return.

11
12 The recommended language is intended to give
13 the General Assembly a broad mandate. The word
14 "education" (line 6) is included to make clear
15 that the state's duty is not discharged solely
16 by restricting or punishing unethical dealers
17 after the fact but must include substantial ef-
18 forts to assist the public in recognizing an
19 improper transaction before the fact.

20
21 The word "unfair" (line 7) is chosen to en-
22 compass not only the concepts of dishonest, dis-
23 honorable, deceptive, or unethical, but also
24 bargaining advantages arising from special know-
25 ledge available to the trade but not to the
26 public.

27
28 The word "business" (line 7) is intended to
29 encompass any exchange of goods or services for
30 compensation, or any inducement to enter into
31 such an exchange.

32

MARYLAND & RARE BOOK ROOM
UNIVERSITY OF MARYLAND LIBRARY
COLLEGE PARK, MD.

1 The word "practices" (line 8) is intended to
2 include, at least, sales, marketing, advertising,
3 and financing.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum in support of omitting GP-4, a provision on Consumer Protection.

By Delegate Freedlander

The following article is reprinted from The Attorney General's Digest 3 (Vol. 5, No. 1, November 1, 1967):

CONSUMER PROTECTION DIVISION OF THE ATTORNEY
GENERAL'S OFFICE

One June 1, 1967, the Consumer Protection Division of the Attorney General's Office began operations. The Division was established by the 1967 session of the General Assembly and now places Maryland in the company of some 24 other States which have similar agencies designed to protect the public against fraudulent and deceptive advertising and business practices.

The Legislature, in establishing the Division, indicated its "mounting concern over the increased instances of deceptive practices in connection with the selling of goods and services in the State of Maryland." The Legislature was also aware of the fact that such practices undermine public confidence in those supplying consumer goods and services and, as a result, reflect adversely upon the overwhelming number of businessmen who operate with integrity and with a sincere regard for the well-being of customers and the community.

The functions of the new Division can be grouped under the four major categories of (1) mediation, (2) education, (3) legislation, and (4) investigation. In a period of shortly over four months since the Division was formed and began operations, it has received and processed over 1500 citizen complaints and has been successful in obtaining refunds totaling some \$40,000. To the citizen who has been cheated or defrauded, a prompt return of his money is the most effective service the Consumer Protection Division can render. Unfortunately, many of the people who come to the Division are in the lower income groups and they can ill afford any financial loss.

A second function of the Division is to educate and warn the public against "nefarious schemes which, from time to time, may be foisted upon the public." In many respects, the educational function of the Office is perhaps its most important, and certainly, its most lasting achievement.

We are now completing an educational course of instruction in consumer protection to be given in the public schools, with particular emphasis on junior and senior high school students. The student of today is the businessman, home-owner, and consumer of tomorrow. We feel that it is essential that consumer protection be taught at the lowest grade at which the child is able to comprehend the importance of the subject.

Another matter of great concern to the Division is in the field of legislation and the statute specifically provides that the Attorney General shall, "from time to time, recommend to the Governor and the General Assembly, legislation to protect the public from fraudulent promoters and the schemes which they propose." Recently, I submitted the first Consumer Protection measure to the Legislative Council of the General Assembly. The bill would make it a criminal offense, subject to a fine of \$1,000, imprisonment for one year, or both, for any person to turn back or reset a speedometer with intent to misrepresent to a prospective purchaser the number of miles which the automobile had been driven. When one realizes that more used cars are sold in our State each year than new automobiles, it is easy to grasp the significance of this type of legislation. Turning a speedometer back is, in many ways, a classic illustration of deceptive consumer practices. In addition, it also represents a potentially dangerous situation from a safety point of view. The Division is also preparing a number of other consumer protection bills for introduction during the forthcoming session which one feels will be of great help to Maryland citizens.

The last, but certainly not the least, of the Division's functions is to investigate fraudulent consumer practices and, where necessary, go to court and seek injunctive relief prohibiting anyone from engaging in such practices or thereafter continuing to engage in them after appropriate notice. The Division has no criminal enforcement duties and cases dealing with consumer fraud -- and I might add there have been quite a few -- are being sent directly to the State's Attorney of the County or Baltimore City, as the case may be, where the crime has occurred. It is important to remember that the primary function of the Consumer Protection Division of the Attorney General's office is not to punish wrong doers, but to protect the public. It is to this end that the efforts of this Division are directed.

**CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL**

Com Rec
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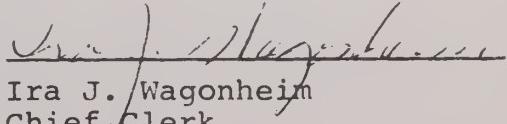
O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

INTRA-CONVENTION MEMORANDUM

DATE: 21 November 1967
TO: H. Vernon Eney, President
FROM: Mr. Ira J. Wagonheim, Chief Clerk
SUBJECT: Delegate Proposals covered by committee recommendation
returned to Clerk's Office.

The Committee on GENERAL PROVISIONS has returned the
following proposals with the report that they are covered by
Committee Recommendation G.P. 5:

237


Ira J. Wagonheim
Chief Clerk

Emmett Alper

COMMITTEE ON CALENDAR AND AGENDA

Debate Schedule No. 12

For Debate of Committee Recommendations Nos. GP-5, GP-6,
GP-7, GP-8, GP-9, GP-10 and GP-11

There will be no general debate. Each Committee Recommendation will be presented separately. After presentation of each Committee Recommendation of the Minority Report, it will be open to debate and amendment, section-section. No speech shall exceed three (3) minutes, except as otherwise provided.

I GP-5 Federal Enclaves

II GP-6 Education

Minority Report No. GP-6(A) by Del. Lord and others

Section 1. Public Education]

Section 4. Public Schools] to be considered together

Controlled: Del. Lord - 20 minutes

Del. Wheatley - 20 minutes

Uncontrolled: 20 minutes

Section 2. General Purposes

Controlled: Del. Lord - 15 minutes

Del. Wheatley - 15 minutes

Uncontrolled: 15 minutes

Section 3. School Fund

Controlled: Del. Lord - 15 minutes

Del. Wheatley - 15 minutes

Uncontrolled: 15 minutes

Section 5. Local Boards of Education

Controlled: Del. Lord - 15 minutes

Del. Wheatley - 15 minutes

Uncontrolled: 15 minutes

Section 6. Higher Education]

Section 7. " "] to be considered

Section 8. " "] together

Controlled: Del. Lord - 20 minutes

Del. Wheatley - 20 minutes

Uncontrolled: 20 minutes

Section 9. Libraries

Controlled: Del. Lord - 5 minutes

Del. Wheatley - 5 minutes

Uncontrolled: 10 minutes

III GP-7 Amendment of the Constitution

IV GP-8 Constitutional Conventions

V GP-9 Common Law, etc.

VI GP-10 Impeachment

VII GP-11 Separation of Powers

Presentation by sponsor of amendments limited to ten (10) minutes,
including time yielded in answering questions.

Note: Speeches alternate between sides.

What the legislature gave
the legislature can take
away

Constitutional Convention

MOTION NO. 7

BY DELEGATE POWERS

December 19 , 1967.

Introduced, read the first time and referred to the Committee on

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A MOTION to make reconsideration of GP-4 a
2 special order and limit debate.

3
4 Delegate Powers, Chairman of Committee on Cal-
5 endar and Agenda moves that the motion by Dele-
6 gate Johnson to reconsider the vote by which
7 Committee Recommendation No. GP-4 (Consumer Pro-
8 tection) was adopted on Second Reading be made a
9 special order for Wednesday, December 20th at
10 12:00 noon, and that debate on the motion to
11 reconsider be limited to thirty (30) minutes,
12 fifteen (15) minutes for each side, with a limit
13 of two (2) minutes for each speech, and if the
14 motion to reconsider prevails a vote will be
15 taken on Committee Recommendation No. GP-4
16 without further debate.

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Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-5

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

November 13, 1967.

Presented, read, and referred to the Committee of the Whole.

University of Maryland Room
University of Maryland Library
College Park, Md.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 237

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on State Jurisdiction over
3 Federal Enclaves, to read as follows:

4

5 The State of Maryland hereby reserves as to
6 all lands within the State hereafter acquired
7 by the United States or any agency thereof,
8 whether by purchase, lease, condemnation or
9 otherwise, and as to all property, persons and
10 transactions on any such lands, jurisdiction
11 and authority to the fullest extent permitted
12 by the Constitution of the United States and
13 not inconsistent with the governmental uses,
14 purposes, and functions for which the land
15 was acquired or is used.

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Marlboro Room
Veterinary College

Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-5

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

November 13, 1967.

In support of Committee Recommendation No. GP-5

*Maryland Room
University of Maryland Library
College Park, Md.*

1 The recommended provision is designed to re-
2 tain to the State the greatest degree of juris-
3 diction permitted by federal law over federal
4 lands lying within its boundaries.
5

6 The United States may acquire land by any of
7 several means, including condemnation. The
8 State ultimately cannot prevent such acquisition,
9 nor can it exercise any jurisdiction which will
10 interfere with the legitimate federal use to
11 which the land is dedicated. However, the State
12 can act to prevent the federal government from
13 acquiring exclusive jurisdiction over such lands.
14

15 The recommended provision is substantially the
16 same as a statutory provision now in effect.
17 (Annotated Code of Maryland, Art. 96, Sec. 47.)
18 If this requirement were elevated to constitu-
19 tional status, the legislature would no longer
20 be free to repeal or make exception to the
21 present rule. The General Assembly could not
22 cede state jurisdiction to the federal govern-
23 ment.
24

25 Elements of State jurisdiction which may be
26 retained pursuant to the present statute and the
27 proposed constitutional provision would include,
28 so long as they did not conflict with the use to
29 which the federal government was putting the land,
30 rights and duties imposed under Maryland law,
31 standing to sue and be sued in Maryland courts,
32 including service of civil and criminal process

1 by Maryland authorities on the federal enclave,
2 and the right of Maryland to impose and collect
3 taxes.

4
5 Prior to the 1943 enactment of the present
6 code provision, the Maryland legislature yielded
7 various degrees of jurisdiction to the United
8 States on a piecemeal basis under a variety of
9 ad hoc statutory enactments. Once ceded, juris-
10 diction cannot be recaptured without federal
11 acquiescence. The Committee believes that the
12 State should be bound by a Constitutional pro-
13 hibition against further cessions.
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Maryland Koon
University of Maryland Library
College Park, Md.

Constitutional Convention

SUPPLEMENTARY COMMITTEE MEMORANDUM NO. GP-5

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy G.
Boyer, Chairman

December 21 , 1967.

In support of Committee Recommendation No. GP-5

1 PETENTION OF JURISDICTION OVER FEDERAL EN-
2 CLAVES.
3

4 The United States can acquire land lying within
5 the boundaries of a State by any of three
6 basic procedures. In every case the State has
7 the power to retain such jurisdiction over the
8 land as does not conflict with the federal pur-
9 pose for which the land is used. Article 1,
10 Section 8, clause 17 of the Constitution of the
11 United States provides that if the United States
12 purchases state lands with the consent of the
13 State, then the United States acquires exclusive
14 jurisdiction over those lands. This was the
15 method of acquisition whereby the United States
16 acquired exclusive jurisdiction over the Dis-
17 trict of Columbia. It will be seen that the
18 State may refuse to give its consent or may
19 condition its consent upon the retention of
20 certain elements of state jurisdiction. If the
21 State gives full consent to the purchase with-
22 out reserving jurisdiction, then exclusive jur-
23 isiction passes to the United States.
24

25 The United States may also buy or lease land
26 from a private land owner within the State. In
27 that case, the State retains all jurisdiction
28 over such land that does not conflict with the
29 federal use of the land. The United States is
30 said to be in the position of an ordinary pro-
31 prietor. However, the State by law may cede
32 elements of jurisdiction over such lands to

1 the United States.

2
3 The United States may acquire land within
4 the State by condemnation. Maryland has pro-
5 vided by statute that in certain instances
6 where the federal government and the land owner
7 cannot agree upon the price or upon the sale of
8 property sought by the government, then the
9 State will exercise its power of condemnation
10 to take the land for the federal government.
11 See, for example, Annotated Code of Maryland,
12 Article 96, Section 5. When the United States
13 takes land by condemnation, it acquires only
14 that jurisdiction necessary for the federal
15 use to which the land is put, but again the
16 State may by statute cede other elements of
17 jurisdiction.

18
19 Thus, it is evident that the State in every
20 instance has room to make a decision as to how
21 much jurisdiction it will cede to the United
22 States. In the past, that decision has been
23 made on a case by case basis by the legisla-
24 ture or by statutory provisions ceding partial
25 jurisdiction to the United States over lands
26 acquired for particular purposes such as
27 lighthouses and other aids to navigation.
28 Article 96 of the Code contains numerous ad
29 hoc cessions.

30
31 Article 96, Section 47 of the Code enacted
32 in 1943 is substantially the same as the lan-
33 guage recommended by this committee for in-
34 clusion in the constitution. That statutory
35 provision retains to the State all jurisdic-
36 tion not in conflict with the federal use over
37 lands acquired after 1943. Because the provi-
38 sion has been carried as a statute, it has
39 been subject to individual exceptions passed
40 by the General Assembly so that a majority of
41 the General Assembly could cede exclusive
42 jurisdiction over any federal enclave to the
43 United States.

44
45 It seems that the principal argument
46 against including the recommended provision
47 in the constitution is that the General Assem-
48 bly would no longer be free to make exceptions
49 and cede some or all of the State's jurisdic-
50 tion to the federal government. Therefore, it

1 could be imagined that if the federal
2 government wished to place a major installa-
3 tion in Maryland and because of the nature
4 of the installation wished to have exclusive
5 jurisdiction over it, the State could not
6 yield such jurisdiction except by constitu-
7 tional amendment. Therefore, it can be
8 argued that the State might lose the oppor-
9 tunity to have some valuable federal instal-
10 lation, which could create jobs and inject
11 money into the state economy, placed within
12 its borders. The answer to this argument
13 would seem to be that the federal government
14 has no legitimate interest in demanding juris-
15 diction beyond the requirements of the federal
16 purpose to which the land is devoted, and that
17 the federal government would acquire that jur-
18 isdiction necessary for its purpose despite
19 the recommended provision.

20

21 It will probably be pointed out that the
22 residents of all federal enclaves receive
23 many of the benefits of state law despite ex-
24 clusive federal jurisdiction because the
25 United States has enacted several statutes
26 giving such residents the benefit of state law.
27 For example, the Federal Assimilative Crimes
28 Act provides that crimes under the law of the
29 State within whose borders the federal enclave
30 lies are also federal crimes applicable to the
31 residents of that enclave. Workmen's compen-
32 sation laws of the surrounding State are made
33 available to residents of federal enclaves by
34 federal statute as are state laws providing
35 for right of recovery for personal injury and
36 wrongful death. Technically, these are feder-
37 al laws, but by federal statute they are made
38 to be the same as the parallel laws applicable
39 in the surrounding State.

40

41 However, there is a vast field of state
42 law which has not been made applicable to
43 areas of exclusive federal jurisdiction. This
44 would include state imposed price rates, per-
45 haps state licensing requirements and state
46 taxes. Article 96, Section 48, of the present
47 Code, provides that the State may bargain with
48 the federal government for liquidated payments
49 in lieu of tax payments lost to the State
50 through cession of jurisdiction over lands.

1 This statute, of course, does not guarantee
2 that the State will be made whole in every
3 instance where land is ceded but protects
4 the right of the State to bargain.

5

6 State Taxation in Relation to Federal Enclaves

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8 A State may not tax federal property, but a
9 State may levy a tax on private property loca-
10 ted within the bounds of a federal enclave so
11 long as such tax does not discriminate against
12 the federal government nor interfere with the
13 federal use of the property. Thus a State's
14 taxes have been upheld where they were imposed
15 upon a private lessee of federal property.
16 U.S. v. City of Detroit, 355 U. S. 466 (1958).

17

18 In Humble Pipe Line Co. v. Waggoner, 376
19 U. S. 369 (1964), it was held that a state tax
20 (on oil-drilling equipment and pipe lines) could
21 not be levied upon private property located
22 within the confines of a federal enclave be-
23 cause the State had not retained jurisdiction
24 for this purpose in consenting to the purchase
25 of these lands by the United States.

26

27 However, certain state taxes on individuals
28 and property located in a federal enclave are
29 permitted by federal statute. See "Buck" Act,
30 4 U. S. C. A., Sections 104-110.

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Com. Rec GP-5 2

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

EAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	● Claggett			● Key			Robey, F. C.		●
Tawes	●		Clarke, E. J.			Kiefer		●	● Robie, K. L.		
Clark, J.	●		Cleveland			● Kirkland		●	Rollins	●	
James		●	Dabrowski		●	Koger		●	Rosenstock		
Abrams	●		Darby		●	● Kosakowski			Rush		
Adkins		●	Della	●		Koss	●		● Rybczynski		
Anderson			Dorsey		●	Leitzel		●	Scanlan		
Armor	●		Dukes		●	● Linton			Schloeder		
Bamberger		●	Dulany		●	● Lord			Schneider		
Bard	●		● Eckenrode			Macdonald		●	Sherbow		
Barrick			● Finch			Malkus	●		Sickles		
Baumann			Fornos		●	Marion		●	Siewierski		
Beachley			Fox		●	Mason		●	Singer		
Beall	●		Frederick	●		Maurer	●		Smith, J. H.		
Bennett			Freedlander		●	Mentzer		●	Smith, M. H.		
Blair			Gallagher		●	● Miller, B.			Sollins		
Boileau		●	Gilchrist	●		Miller, E. ●			● Sosnowski		
Borom	●		● Gill			Mitchell	●		● Soul		
Bothe		●	Gleason	●		● Morgan			● Stern		
Boyce	●		● Grant			Moser	●		● Storm		
Boyer			Groh	●		Mosner	●		● Sybert		
Boyles	●		Grumbacher		●	Mudd		●	Taylor, H. E.		
Bradshaw			Gullett		●	Murphy	●		● Taylor, L.		
Bryson			Hanson	●		Murray, D. S.		●	Ulrich		
Burdette			Hardwick		●	Murray, E. C.		●	Vecera	●	
Burgess			Hargrove		●	Needle	●		Wagandt		
Bushong	●		Harkness		●	Neilson		●	Webb		
Buzzell			Harris	●		Neumann		●	● Ritter		
Byrnes			Henderson		●	● Smith, A. W.			● Weidemeyer		
Caldwell			Hickman		●	Pascal			● Wheatley		
Cardin	●		Hopkins		●	● Penniman			White	●	
Carson		●	● Hostetter			Peters		●	● Willis		
Case		●	● Hutchinson			Powers		●	Willoner		
Chabot			Jett	●		Price	●		Winslow		
Child	●		Johnson		●	● Pullen					
Cicone		●	Kahl		●	Raley		●			

YEAS	N-V	NAYS
100-200	100-200	100-200
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1 1	1 1	1 1
2 2	2 2	2 2
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DEL. PRO.	COM. REC.	DATE:
1000	100 1	JAN. 1
2000	200 2	2
3000	300 3	3
4000	400 4	2
500	50 5	3
RESO.	60 6	4
2-R.	70 7	5
3-R.	80 8	6
QUO.	90 9	7
MOT.	00 0	SEPT. 8
		OCT. 9
		NOV. 9
		DEC. 0

Constitutional Convention

AMENDMENT NO. 1

~~XXXXXX~~

To Committee Recommendation No. GP-5

BY DELEGATES STORM, JETT

1 On page 1 strike out all of lines 5 through
2 15, inclusive, and insert in lieu thereof
3 the following:

4 "Notwithstanding anything contained or
5 omitted in any act or acts of the General
6 Assembly ceding jurisdiction over lands within
7 this State to the United States or in giving
8 consent to the acquisition of any lands within
9 this State by the United States or any agency
10 thereof, whether by purchase, lease, condem-
11 nation or otherwise, the jurisdiction of the
12 laws of this State over persons, property,
13 transactions, acts or omissions of indivi-
14 duals or private corporations within the
15 limits of or on such lands shall not cease
16 or terminate, except to such extent as may
17 be specifically required by an act of Con-
18 gress. Nothing in this section shall be
19 deemed or construed to restrict the juris-
20 diction and authority of this State over
21 any lands, and the persons, property and
22 transactions thereon, heretofore acquired
23 by the United States. Any laws of this State
24 continuing in effect within the limits of
25 or on such lands shall not be effective if
26 inconsistent with the governmental uses, pur-
27 poses and functions for which the land was
28 acquired or is used by the United States."

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 1 to
Com. Rec GP-5

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett			Key			Robey, F. C.		●
Tawes	●		Clarke, E.J.			Kiefer			Robie, K. L.		●
Clark, J.	●		Cleveland			Kirkland			Rollins	●	
James		●	Dabrowski			Koerger		●	Rosenstock		
Abrams	●		Darby		●	Kosakowski			Rush		●
Adkins			Della	●		Koss	●		Rybaczynski		
Anderson			Dorsey			Leitzel		●	Scanlan		
Armor	●		Dukes			Linton		●	Schloeder		
Bamberger		●	Dulany		●	Lord			Schneider		
Bard	●		Eckenrode			Macdonald		●	Sherbow		
Barrick			Finch			Malkus	●		Sickles		
Baumann	●		Fornos		●	Marion			Siewierski		
Beachley			Fox		●	Mason			Singer		
Beall	●		Frederick			Maurer			Smith, J. H.		
Bennett		●	Freedlander			Mentzer		●	Smith, M. H.		
Blair		●	Gallagher			Miller, B.			Sollins		
Boileau			Gilchrist	●		Miller, E.			Sosnowski		
Borom	●		Gill		●	Mitchell			Soul		
Bothe		●	Gleason	●		Morgan			Stern		
Boyce	●		Grant			Moser			Storm		
Boyer			Groh			Mosner			Sybert		
Boyles	●		Grumbacher		●	Mudd		●	Taylor, H. E.		
Bradshaw			Gullett			Murphy			● Taylor, L.		
Bryson			Hanson	●		Murray, D. S.			Ulrich		
Burdette			Hardwick			Murray, E. C.			Vecera	●	
Burgess			Hargrove		●	Needle			Wagandt		
Bushong	●		Harkness			Neilson			Webb		
Buzzell			Harris	●		Neumann			Ritter		
Byrnes			Henderson		●	Smith, A. W.		●	Weidemeyer		
Caldwell			Hickman			Pascal			Wheatley		
Cardin	●		Hopkins		●	Penniman			White	●	
Carson		●	Hostetter			Peters		●	Willis		
Case		●	Hutchinson			Powers			Willoner		
Chabot			Jett	●		Price		●	Winslow		
Child	●		Johnson		●	Pullen					
Cicone			Kahl		●	Raley		●			

YEAS	N-V	NAYS
100-200	100-200	100-200
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2 2	2 2	2 2
3 3	● 3 3	3 3
4 4	4 4	4 4
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DEL. PRO.	COM. REC.
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3-R.	800 80 8
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OCT. 8
NOV. 9
DEC. 0

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-6

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

Maryland Room
University of Maryland Library
College Park, Md.

November 17, 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 9, 29, 66, 71, 122, 123, 128, 150, 183, 186, 202, 203, 241, 261, 271, 276, 299, 341, 372, 389, 408, 435

TITLE

1 A RECOMMENDATION that the constitution
2 include an article entitled "Education" to
3 read as follows:

4
5 Section 1. The General Assembly shall
6 provide for a statewide system of public
7 education and for other public educational
8 institutions that are desirable or necessary
9 for the intellectual, cultural and occupa-
10 tional development of the residents of this
11 State.

12
13 Section 2. The General Assembly shall
14 provide by law for equal educational oppor-
15 tunities for all residents.

16
17 Section 3. The school fund of the State
18 shall be kept inviolate and appropriated
19 only to the purposes of education.

20
21 Section 4. The General Assembly shall
22 maintain and support a statewide system of
23 free public schools as defined by law.
24 There shall be a state board of education,

1 composed of members representing geographic
2 areas and appointed by the governor in
3 accordance with law. The state board of
4 education shall formulate policy and exer-
5 cise control and direction over the public
6 school system and shall perform such other
7 duties as may be assigned to it. The board
8 shall appoint a state superintendent of
9 schools who shall be its executive and
10 professional officer.

11
12 Section 5. Each local school system shall
13 be managed by a local school board appointed
14 by the governor or elected in such manner as
15 provided by law; provided that all local
16 school boards shall be permitted to retain
17 their present method of selection but should
18 there be a change proposed in the method
19 presently employed in selecting such local
20 school board or the existing fiscal authority
21 of such board as it shall be constituted at
22 the effective date of this article, such
23 change or changes shall be first subjected
24 to a referendum for the approval of the
25 voters of such system or systems to be
26 affected.

27
28 Section 6. The state university or
29 universities and the system of state colleges
30 shall be managed respectively by a board of
31 regents of the state university or univer-
32 sities and a board of trustees of the state
33 colleges appointed by the governor in ac-
34 cordance with law. The board of regents of
35 the state university or universities and the
36 board of trustees of the state colleges,
37 respectively, shall have general supervision
38 of their institution or institutions and
39 control and direction of all expenditures
40 of the funds of their institution or insti-
41 tutions.

42
43 Section 7. The public community colleges,
44 by whatever name they may hereafter be known,
45 shall be controlled by local boards in ac-
46 cordance with law and shall be under the
47 general supervision of a state board. The
48 local board of trustees shall have general
49 supervision of the local institution or
50 institutions and the control and direction of

1 all expenditures from the institution's funds.
2

3 Section 8. There shall be a state advisory
4 council of higher education, in accordance
5 with law, to assist in the coordinating of
6 programs of higher education in this State.
7

8 Section 9. The General Assembly shall
9 provide for and maintain by law a statewide
10 system of public libraries.
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MD. Land Room
MD. Land Room
University of Maryland
College Park, Md.

Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-6

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17 , 1967.

In support of Committee Recommendation No. GP-6

1 The recommended article on education is
2 designed to guarantee for all times that the
3 State will provide a system of free schools
4 available to all of its residents. This
5 may be considered a constitutional minimum.
6 The article also provides flexibility to
7 allow expansion of educational facilities,
8 both horizontally, to provide more facilities
9 at all present academic levels, and verti-
10 cally, to provide for new forms and facili-
11 ties of higher education and specialized
12 education. There is no constitutional
13 maximum.
14

15 The committee believes that the endurance
16 of a stable public educational system is of
17 such fundamental importance that the consti-
18 tution should do more than merely direct
19 the legislature to provide for public educa-
20 tion. It should require the continuance of
21 the basic structural components of the sys-
22 tem, whose value have been proven by experi-
23 ence. The article gives constitutional
24 recognition to the state board of education,
25 county boards of education, a state univer-
26 sity, and its board of regents, a system of
27 state colleges and its board of trustees,
28 public community colleges and their local
29 boards of trustees, a state advisory council
30 of higher education and public libraries.
31 The committee believes that the continuance
32 of all of these is a necessary part of the

1 constitutionally guaranteed minimum.
2

3 The committee was sharply divided on the
4 overall format for treating the topic of educa-
5 tion. Several members urged that the entire
6 topic be encompassed in two relatively brief
7 sections, one dealing with the public schools
8 and the other with higher education. Those
9 members advocated an approach very close to
10 that of the Commission's draft. A majority of
11 the committee favored a separate article on
12 education which would preserve features of the
13 existing Constitution and give constitutional
14 status to the essential elements of the present
15 educational structure. Because of this divi-
16 sion within the committee, the question of the
17 degree of constitutional crystallization of
18 educational structures was brought into par-
19 ticularly sharp focus. The majority's deter-
20 mination to require the continuance of basic
21 institutions is based upon two broad reasons.
22 First, public education is so fundamental a
23 duty of state government that a failure to
24 constitutionally require the continuance of a
25 basic framework for education would be an
26 abdication. It was pointed out in this regard
27 that education is just as important a responsi-
28 bility as the establishment of a judicial sys-
29 tem, that education encompasses the largest
30 expenditure of public funds for any one purpose
31 within the State, and that education deeply
32 effects the lives of a greater percentage of
33 the citizens of this State than any other
34 state function mentioned in the Constitution.
35 Because of the scope of the educational prob-
36 lem, the majority feels that it is proper to
37 create a constitutional framework which cannot
38 be diminished by the legislature just as it
39 has been urged that the establishment of a
40 framework for the judicial system is a
41 constitutional responsibility. Secondly,
42 the majority was aware that in recent years
43 it has been seriously urged in some quarters
44 that state systems of public education might
45 be eliminated or drastically restricted in
46 order to avoid racial integration. While
47 this approach has been largely frustrated by
48 the courts, the attempt has resulted in an
49 immeasurable setback to public education in
50 the areas affected. This example from recent

1 history should be sufficient answer to those
2 who would place all reliance on the good faith
3 of the legislature to continue a full system
4 of public education.

5
6 The overall organization of the recommended
7 article reflects four basic divisions. The
8 first three sections state principles appli-
9 cable throughout the whole field of public
10 education. The fourth and fifth sections
11 deal with the basic system of statewide free
12 elementary and secondary schools. The sixth
13 through eighth sections relate to higher
14 education. The ninth section provides for
15 libraries.

16
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18

19 Section 1 charges the General Assembly with
20 the responsibility of providing for both a basic,
21 statewide system of schools and colleges and,
22 in addition, for such other educational insti-
23 tutions as may be appropriate from time to time
24 in the future. The word "statewide" is included
25 to make it clear that the State cannot permit
26 any subdivision to abdicate its responsibilities
27 for local education. The second category,
28 "other public educational institutions," is
29 intended to be broad and flexible to allow for
30 changing needs. For example, the phrase would
31 comprise adult vocational schools which could
32 be created and discontinued in accordance with
33 the requirements of the times. The committee
34 believes that the three words "intellectual,"
35 "cultural" and "occupational" serve to estab-
36 lish a flexible but workable standard for
37 determining a proper area of state responsi-
38 bility.

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42 Section 2 requires the legislature to pro-
43 vide for equal educational opportunities.
44 Some witnesses urged that the constitution
45 recognize education as a basic right. Others
46 urged that the provisions on education include
47 language prohibiting discrimination or assuring
48 equal access to public educational institutions.

49
50

1 The committee rejected the standard non-
2 discrimination clause as ineffectual and un-
3 necessary. Further, the committee decided
4 that mere equality of access to the public
5 schools does not guarantee equal opportunities
6 for a child. The responsibility for guarantee-
7 ing equal educational opportunities rests with
8 the "statewide system of public schools" and
9 ultimately with the General Assembly that main-
10 tains and supports public education in the
11 State.

12 Dr. James S. Coleman of Johns Hopkins Univer-
13 sity notes that the concept of "equal educa-
14 tional opportunities" has evolved over "a
15 century and a half." Dr. Coleman points out
16 that initially "...the role of community, and
17 the educational institution, was a relatively
18 passive one, that of providing a set of free
19 public resources. The responsibility for
20 profitable use of those resources lay with the
21 child and his family."

22 The committee recognized that "profitable
23 use" could be severely circumscribed by accident
24 of birth and economic circumstances, by inequali-
25 ties in the allocation of educational resources
26 by the State or locality, and by other circum-
27 stances beyond the reach of the most notable
28 individual initiative. The committee intends
29 by this section to endorse the right of every
30 individual to attain the highest fulfillment
31 of his individual educational capacity.

32 The committee recommends the phrase "equal
33 educational opportunities" even though it defies
34 precise definition. Precise definition is un-
35 desirable here. The committee wants to allow
36 continued evolution of the concept in response
37 to future circumstances and legislative action.
38 The phrase "equal educational opportunities,"
39 like "due process," may not be precise, but
40 neither is it confining.

41 Section 3 continues the provision of Article
42 VIII, Section 3, of the Constitution of 1867.
43 The committee is fully aware that this pro-
44 vision was originally drafted at a time when

1 there was a separate School Fund of the State
2 and that that fund does not now exist in the
3 same form. However, the committee believes
4 that the provision has grown to encompass a
5 principle extending beyond any one historic
6 fund and that it should be retained. The vast
7 majority of educators who testified before the
8 committee on this question preferred the reten-
9 tion of this provision.

10

11

12

13 Section 4 requires the continuance of a
14 universal system of free public schools.
15 These include the traditional elementary and
16 secondary schools found at neighborhood level
17 -- the schools now providing the basic free
18 education to which every citizen is entitled.
19 The proposed section is broad enough to
20 allow for an expansion of this basic system to
21 include pre-first grade and post-high school
22 education as a part of free local education.
23 The word "free" is intentionally included in
24 describing this basic system just as it is
25 intentionally omitted elsewhere in the article
26 so that the creation of specialized or high
27 academic level institutions which require
28 some payment towards tuition or fees is not
29 precluded. The word "free" appears in Article
30 VIII, Section 1 of the existing Constitution.

31

32 The committee recommends constitutional
33 recognition of the State Board of Education.
34 The board is currently a creature of statute.
35 Anno. Code of Md., Art. 77, secs. 2 and 5.
36 It may be abolished or its powers severely
37 limited by the legislature. Purnell v. State
38 Board of Education, 125 Md. 266. Constitutional
39 recognition is required because the state board
40 is the highest authority in the State devoted
41 exclusively to education. The educational
42 program of the State must proceed without re-
43 gard to the political pressures of the moment,
44 and the state board should stand as the cap-
45 stone of the free public school system, inde-
46 pendent of fluctuating moods.

47

48 The committee recommends that the member-
49 ship of the state board be chosen with due
50 regard to geographical representation. This

1 is not to say that the legislature or the governor
2 must consider geography as the primary criterion
3 in selecting members, or even that the board must
4 be somehow apportioned geographically. It is
5 felt, however, because of the great degree of
6 local involvement in the financing and operation
7 of public education, and the striking economic
8 and sociological differences which characterize
9 Maryland's principal geographic divisions, that
10 the geographic factor merits reflection in board
11 membership. The availability of educational
12 facilities must be universal throughout the State.
13 School buildings and institutions of higher
14 learning must be placed within the physical reach
15 of every potential student. A near parity of
16 educational opportunity throughout the State,
17 far from breeding provincialism, tends to cure
18 it.

19

20 The committee recommends constitutional con-
21 tinuation of the statutory requirement that mem-
22 bers of the state board be appointed by the
23 governor. It is the method of selection best
24 calculated to maintain a high degree of pro-
25 fessional qualification on the board.

26

27

28

29 Section 5 gives constitutional status to local
30 school boards. Such recognition is necessary
31 because of the unique balance of local and state
32 responsibility in public education. The counties
33 do not act merely as subdivisions for the con-
34 venient administration of the State's educational
35 program. Traditionally, they share with the
36 State the initial responsibility for creating
37 and maintaining their own education systems.
38 Constitutional recognition of both state and
39 local boards is intended to permit the con-
40 tinuance of this balance. Since the impetus
41 for the basic educational program arises from
42 the counties, they should have the right to
43 select the membership of their local board as
44 they see fit. However, because education is
45 such a primary duty of local government, and
46 because such a large proportion of a county's
47 public funds are devoted to education, any
48 change in the method of selection of the members
49 of the local board or in the board's authority to
50 raise and spend money should be subject to
51 referendum.

1 Section 6 recognizes the state university,
2 now the University of Maryland, and the system
3 of state colleges together with their respec-
4 tive governing boards and grants them the right
5 to manage their own affairs.

6
7 While two separate classes of institutions
8 are mentioned, reflecting present organization,
9 nothing in the recommended language would im-
10 pose any substantive distinction between the
11 two systems. In view of the present rate of
12 increase in demand for higher education, it
13 would not be wise to constitutionally limit
14 the scope of any institution.

15
16 In granting autonomy to the state university,
17 the recommendation is in accord with the Com-
18 mission's draft constitution. Such autonomy is
19 now accorded the university by statute. In
20 addition, the committee recommends the granting
21 of similar responsibility and authority to the
22 governing board of the system of state colleges.

23
24 The word "autonomy" has been the focus for
25 some controversy. The recommended section pro-
26 vides for autonomy for the state university
27 and the system of state colleges in the sense
28 that the board of regents of the university
29 and the board of trustees of the colleges are
30 given the exclusive supervision over the insti-
31 tutions for which they are responsible. This
32 includes the right of internal allocation of
33 the funds for which they are responsible. It
34 should be remembered, that there is one board
35 of trustees for the entire system of state
36 colleges.

37
38 The general government of the State will
39 always retain ultimate control over the univer-
40 sity and colleges. The funds for each governing
41 board are provided for annually in the executive
42 budget, in such amount as the governor may
43 determine to be proper and they must then be
44 approved by the legislature. The regents of
45 the university and the trustees of the state
46 college system are appointed by the governor.
47 The autonomy granted relates only to the internal
48 management of the systems.

49
50

1 The committee finds that autonomy is an
2 essential safeguard to the degree of academic
3 freedom properly enjoyed by an institution
4 of higher learning in a free society. Academic
5 freedom cannot be doled out in piecemeal fashion
6 with strings attached, but must be guaranteed
7 in full good faith. The committee recognizes
8 the varying degrees of academic sophistication
9 that now exist among the individual state
10 colleges and the state university but believes
11 that a selective denial of the prerequisites
12 of academic freedom would tend to render these
13 distinctions permanent. There is at least
14 one state college now which is as fully
15 devoted to the liberal arts tradition as
16 the state university. That is Morgan State.
17 The current program for all of the state
18 colleges calls for an increased emphasis on
19 liberal arts. This program is an enlightened
20 response to the burgeoning demands for full
21 education. The time is fast approaching when
22 the state colleges will have to share the full
23 responsibility of general higher education.
24 It would be a backward step to make a list in
25 the constitution of first and second class
26 institutions.

27
28 The committee was impressed by the testimony
29 of several renowned educators that the present
30 controls exercised by the State over the state
31 colleges are stultifying and potentially
32 ruinous. Some of the examples given indicated
33 nothing worse than petty frustrations and
34 proliferation of "red tape," but it was also
35 pointed out that the Budget Bureau could and
36 has made decisions adversely affecting the
37 internal allocation of faculty salaries. The
38 witnesses testified that the degree of inde-
39 pendence enjoyed by an educational institu-
40 tion bears directly upon its standing in the
41 academic world, and therefore upon its ability
42 to attract the best minds to its faculty and
43 student body.

44
45 The list of authorities advocating consti-
46 tutional autonomy is impressive. A special
47 commission in North Carolina studying the
48 governing boards of twenty-two major univer-
49 sities in the United States concluded that
50 "the desirability of a constitutional grant

1 of authority is apparent." The Committee on
2 Government and Higher Education, or the
3 "Eisenhower Committee" stated in its report
4 of 1959 that the "essential freedom" of
5 state colleges and universities can be "pre-
6 served and strengthened" by placing authority
7 and responsibility for the institution's
8 management in the hands of a competent in-
9 dependent lay board of trustees. In 1962,
10 the Curlett Commission, in addition to
11 recommending that the state colleges be
12 placed under their own governing board which
13 "should be charged with the single task of
14 governing these institutions," recommended
15 that that governing board be granted autonomy.
16

17 Nor is the proposal to grant autonomy to
18 the board of trustees of the state colleges
19 without precedent. The Constitution of
20 Michigan adopted in 1963 includes just such
21 a provision. Constitution of Michigan, Article
22 VIII, sec. 6. This provision follows the sec-
23 tion granting autonomy to the three state
24 universities and is currently applicable to
25 eleven state colleges.
26

27 The practical need for autonomy increases
28 with the size and complexity of the institu-
29 tion or institutions. The alternative is an
30 enormous increase in bureaucracy and "red
31 tape," with a decrease of the non-educational
32 agency's ability to respond to particular
33 needs of the university or college. In 1952
34 the University of Maryland was granted statu-
35 tory autonomy partly because its size was so
36 great that close control was no longer
37 feasible. The state college system now in-
38 cludes six colleges located throughout the
39 State. Their total enrollment in 1966 was
40 10,393. It is projected that this figure
41 will almost triple by 1975.
42
43
44

45 Section 7 recognizes the present community
46 colleges and assures their local control
47 under state supervision. The present sys-
48 tem of community colleges represents a joint
49 state and local effort to provide higher
50 education at county level. These colleges

1 may be established on the initiative of the
2 board of education of any county with the
3 approval of the state superintendent of
4 schools. Two or more counties may combine
5 to create a regional community college.
6 In either event, the support of the institu-
7 tions is now derived in three equal shares,
8 from the local unit or units, the State and
9 the students. Community colleges may offer
10 two year programs which may be vocational
11 or semiprofessional, but they may also offer
12 longer programs which may also be liberal
13 arts programs. Thus, the community college
14 system is open-ended. The history of
15 Maryland institutions of higher learning is
16 one of evolution. The present University of
17 Maryland grew from an amalgamation of a
18 relatively small liberal arts institution with
19 the Maryland Agricultural College. Most of
20 the present state colleges are now evolving
21 from teacher's colleges to liberal arts insti-
22 tutions. A failure to recognize the community
23 colleges in the constitution would permanently
24 classify the entire system, now in its infancy,
25 as the step-child of higher education.
26

27 The section provides that the local board
28 of trustees shall have general supervision
29 of their community colleges. Pursuant to
30 statute, the present local boards of trustees
31 are the local boards of education. Anno.
32 Code of Md., Art. 77, sec. 300(a). Thus the
33 local board is quite properly given control
34 over institutions which are created by local
35 initiative and principally supported by local
36 funds paid by taxpayers and students.
37

38 The recommendation's grant of local control
39 is not much different from the degree of con-
40 trol already exercised by most local boards
41 over their primary and secondary school sys-
42 tems.
43
44

45 Section 8 provides for a state advisory
46 council of higher education. Such a council
47 presently operates pursuant to statute. Anno.
48 Code of Md., Art. 77, secs. 325-329. The
49 committee deems that the continuance of such
50

1 a body is essential to provide coordination
2 and direction in an era when the demand for
3 higher education is swelling at an unprecedented
4 rate. The State now has a tripartite program
5 for higher education consisting of the state
6 university, state colleges, and community col-
7 leges. Because of the separate development
8 of these three systems and because of dif-
9 fferences in their sources of financial support,
10 it has been necessary to vest separate boards
11 with their control. However, it is abundantly
12 clear that the entire field of public higher
13 education is, and must continue to be, in a
14 state of flux. The advisory council is
15 responsible for continually formulating an
16 overall program for higher education, placing
17 all three systems in their proper prospective.
18 The council is in a position to foresee the
19 future needs of the State and advise the state
20 government and the controlling educational
21 boards as to the most efficient means of pro-
22 viding for those needs. The council thus
23 acts to shortstop wasteful duplication among
24 the educational systems and provides continu-
25 ing direction to the entire program for higher
26 education.

27
28
29
30 Section 9 requires the legislature to con-
31 tinue a system of public libraries throughout
32 the State. The committee feels that the
33 provision is practically self-explanatory.
34 This is a natural concomitant to a basic
35 system of public education. Statutory pro-
36 visions presently exist providing for the
37 creation of libraries and library services.
38 The committee feels that the indispensable
39 nature of libraries to education justifies
40 a constitutional mandate to the legislature
41 to continue and expand the system.

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MARYLAND
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Constitutional Convention

MINORITY REPORT NO. GP-6 (A)

BY DELEGATES BOYER, LORD, JETT, KEY,
SINGER, CLARKE, CALDWELL

Maryland Room
University of Maryland Library
College Park, Md.

OF THE COMMITTEE ON GENERAL PROVISIONS

November 21 , 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Minority Report relates to Committee Recommendation No. GP-6

TITLE

1 A MINORITY REPORT that Sections 8.03 and 8.04
2 of the new Constitution provide for public and
3 higher education, to read as follows:

4

5 Section 8.03 - Public Education

6

7 The State shall provide by law for a state-
8 wide system of free public schools and shall
9 also provide for such other public educational
10 institutions and services as may be necessary
11 or desirable for the intellectual, cultural
12 and occupational development of the people of
13 the State.

14

15 Section 8.04 - Higher Education

16

17 The governing boards provided by law for the
18 University of Maryland, the State Colleges and
19 all other state institutions of higher educa-
20 tion, including community colleges, shall
21 formulate policies for their respective in-
22 stitutions and shall have general supervision
23 thereof in all academic matters. Such boards
24 may by law be granted such additional powers
25 of supervision, direction and control of their
26 respective institutions and the expenditure
27 of the funds thereof as the General Assembly may
28 deem to be appropriate.

Cottage Park Md.

University of Maryland Library

Maryland Room

Constitutional Convention

SUPPLEMENTARY MINORITY REPORT NO.GP-6(A)

BY DELEGATES BOYER, LORD, JETT, KEY, SINGER,
CLARKE, CALDWELL

OF THE COMMITTEE ON GENERAL PROVISIONS

December 8 , 1967.

Presented and received.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Minority Report relates to Committee Recommendation No. GP-6

TITLE

SUPPLEMENTARY

1 A/MINORITY REPORT which details the object-
2 ions of the minority to Committee Recommen-
3 dation GP-6 and explains Sections 8.03 and 8.04
4 as already submitted by the minority.
5

6 The Minority Report as submitted is
7 unique in that it recommends an entirely
8 different approach to the problems of Consti-
9 tutional language with respect to education
10 from that contained in the Majority Recommen-
11 dation. The minority strongly believes that the
12 lengthy and detailed provisions favored by the
13 majority are not only unnecessary but, also,
14 are unduly restrictive in that they prevent
15 the important flexibility which must exist
16 both in the General Assembly and in local
17 governments, operating under their instru-
18 ments of government. This flexibility is
19 particularly vital and important in the area
20 of education where shifting concepts and
21 approaches must constantly be availed of in
22 attempting to reach the solutions which will
23 best meet the educational needs of the people.
24 The Minority Recommendation allows this
25 flexibility while establishing guide lines
26 whenever necessary.

27

Part A of this Minority Memorandum discusses point-by-point the provisions contained in Committee Recommendation No. GP-6 and explains which, in the opinion of the minority, of these provisions should not be included in a new Constitution for Maryland. Part B deals with the specific alternative proposals, favored by the minority, support for the adoption of which will be urged by the minority.

PART A

12 1. The Constitution should not contain a
13 provision granting equal educational oppor-
14 tunities for all residents.
15

In Section 2 of Committee Recommendation No. GP-6, the majority proposes that "The General Assembly shall provide by law for equal educational opportunities for all residents."

This language, if adopted, would place Maryland in an entirely unique position among the states in this country.

The concept of equal educational opportunities has never been constitutionalized in any form by any state. The constitutions of a number of states contain anti-discrimination provisions. A handful of states provide for free or nearly free tuition throughout the educational system, including higher education (Arizona, Connecticut, Idaho and Wyoming). The only remotely analogous provision to that proposed by the majority, however, is found in the New Jersey Constitution where it is stated that the educational fund of the State shall be used "for the equal benefit of all the people of the State." This latter language adopted in 1947 has never been construed by the courts and therefore offers little guidance to this Convention.

A reading of the Committee Memorandum makes at least one point extremely clear. It is the intention of the majority to transcend the concepts of anti-discrimination, free tuition at all levels and even the rather broad "equal benefit" provision in effect in

1 New Jersey. On page 4 of the Memorandum,
2 it is stated that "the Committee intends by
3 this section to endorse the right of every
4 individual to attain the highest fulfillment
5 of his individual educational capacity." In
6 order to do this the majority feels that it
7 is the state's responsibility to override,
8 through its educational program, differences
9 caused by disparate economic circumstances
10 among students and "by inequalities in the
11 allocation of educational resources by the
12 state or locality." In short, the majority
13 believes that the role of the state is not
14 limited to the maintenance of free public
15 education open to all throughout the state,
16 but that it must also assure that students
17 from either families or political subdivi-
18 sions of limited economic means are given
19 "opportunities" on a par with all other
20 students throughout the state.
21

22 The majority concedes that the term
23 "equal educational opportunities" is hazy
24 and not susceptible of "precise definition."
25 But several of the obvious and inescapable
26 ramifications of the adoption of this lan-
27 guage must be explored. From the Committee
28 discussion it is apparent that one purpose
29 to be served by this language is that all
30 Maryland residents will become entitled to
31 tuition-free education, not only through
32 high school but also through college and
33 such graduate programs as the student may
34 elect to pursue. These revolutionary new
35 programs for higher education in Maryland
36 would be funded by the taxpayers of the state
37 at a cost which, although astronomical, has
38 not been estimated or even discussed by the
39 majority. The New York Constitutional Con-
40 vention backed away from a similar proposal
41 on September 26, 1967 because of "public con-
42 cern" over an annual cost of in excess of one
43 billion dollars annually. It is clear, how-
44 ever, that the program could be implemented
45 either by free tuition or by specific money
46 grants to students in an amount equal to
47 tuition, as well as by interest-free long-
48 term loans from the state to the student.
49
50

1 While the program of tuition-free education
2 will redress the imbalance between
3 students of differing economic backgrounds,
4 it will not redress the inequality of "edu-
5 cational opportunities" between students
6 from political subdivisions of varying
7 economic wealth. In short, tuition-free
8 education does not meet the problem of
9 variations from county to county among
10 physical facilities and plants, among the
11 training background and salaries of teach-
12 ers, and among the extent and depth of the
13 academic programs. Following the approach
14 of the majority to its logical conclusion,
15 either these factors must be made uniform
16 throughout the State, or there must be
17 elaborate provisions made, for example, for
18 the handicapped student in Somerset County
19 whose parents want to take advantage of the
20 extensive and costly programs in effect in
21 Montgomery County for handicapped students
22 and for the student in Charles County who
23 desires a full program of vocational educa-
24 tion such as the one presently in effect in
25 Baltimore City. These two examples are
26 merely indications of the manifold diversity
27 in programs throughout the state. Another
28 excellent example is the diversity through-
29 out the state in kindergarten and pre-school
30 education. To require that these programs
31 be offered on a statewide basis will not
32 only disrupt the economy of the state but
33 will also require the entire reworking of
34 public school financing in all of the local
35 subdivisions.

36
37 In addition to preventing or curtailing
38 educational programs of particular local con-
39 cern among the subdivisions of the state, the
40 adoption of an "equal opportunities" clause
41 by the Committee of the Whole would discour-
42 age and frustrate local initiative. For ex-
43 ample, Baltimore County and Anne Arundel
44 County are now gradually phasing in county-
45 wide kindergarten systems. To the extent
46 that the kindergarten systems in these two
47 counties are not now uniform throughout the
48 county, there is a denial of "equal edu-
49 cational opportunities." Under the majority
50 proposal these counties would be put to the

1 unenviable choice of either not providing any
2 kindergarten facilities or adopting a county-
3 wide kindergarten system. Because of the
4 financial burden of this latter approach,
5 monies would have to be accumulated and dur-
6 ing this period children would be denied the
7 advantage of a phased-in system.

8
9 All demonstration projects would be stult-
10 ified in much the same way. Use of federal
11 funds for demonstration projects in either
12 special education or in education for cultur-
13 ally deprived students would become impossible.
14 One of the most widely praised existing pro-
15 grams is New York City's "More Effective
16 Schools" (MES) program. Under this MES pro-
17 gram certain areas of New York City have been
18 singled out for intensive concentration of
19 educational funds and efforts. The per-stu-
20 dent cost of educating children under this
21 program is nearly three times the average
22 per-student cost in New York City. A similar
23 program could not be embarked upon in Maryland
24 unless it were handled on a state-wide basis
25 because it would be an unconstitutional denial
26 of "equal educational opportunities."

27
28 The thrust of this proposal simply cannot
29 be avoided, as the majority attempts to do,
30 by stating that the phrase "equal educational
31 opportunities defies precise definition." The
32 minority believes that the definition is all
33 too clear and that it will tie the hands of
34 those in Maryland interested in improving the
35 quality of its educational system.

36
37 This clause no doubt has certain desirable
38 effects. But, it is the position of the minor-
39 ity that it is not the function of this Con-
40 vention to embark upon such a course, changing
41 as it would by constitutional fiat the tradi-
42 tional approach of the state to the problems
43 of public education. Only one witness who
44 appeared before the General Provisions Commit-
45 tee advocated such a radical departure from
46 existing approaches to public education in
47 Maryland, and that witness was primarily con-
48 cerned with "ghetto education." The minority
49 believes that the General Assembly, the State
50 Board of Education and the local boards must
51 continue to exercise a great degree of flexibil-
52 ity in developing programs of this sort as needed.

1 2. The Constitution should not contain a
2 provision with respect to the inviolability of
3 the School Fund.

4
5
6 In the Committee's Memorandum (pages 4-5)
7 the majority admits that while at one time there
8 was a separate School Fund of the State, this
9 "fund does not now exist in the same form." This
10 is indeed an understatement.

11
12 Since 1923, no separate identifiable State
13 tax-raised fund has existed in the State of
14 Maryland. Such a fund was in existence from
15 1864 until 1923 when the technique of public
16 school financing was vastly different than it is
17 today. During that period an annual tax was imposed,
18 initially from property taxes, all of the principal
19 and interest of which became the School Fund.
20 Since 1923, however, public school financing in
21 Maryland has been handled by appropriations from
22 general funds and funds are not "earmarked" for
23 exclusively educational purposes.

24
25 A similar provision to this is contained in a
26 great majority of state constitutions, but in nearly
27 every instance, the School Fund is to specific money
28 sources. For example, the Minnesota and North
29 Carolina Constitutions require that the proceeds
30 from the sales of all "swamp lands" in the State
31 become part of the School Fund. Several states
32 (Connecticut, Louisiana and Virginia) make reference
33 to such a fund without any clear indication of its
34 basis which is probably statutory. In Maryland, at
35 the present time, however, there is no such fund,
36 either constitutional or statutory.

37
38 Furthermore, there is no ancillary protection
39 provided to public school budgets by this "inviola-
40 bility" language. The best statement on this point
41 is found at p. 275 of the Report of the Constitutional
42 Convention Commission:

43
44 "In addition, the Commission believes that
45 the existing provision does not actually
46 give any real protection to the integrity
47 of the monies appropriated for public
48 school purposes. At the state level, all
49 such appropriations are included in the
50 budget. To a large extent, they are based

1 upon the requirements of a statute
2 and the estimates of public school
3 officials as to the amount of money
4 needed to meet these requirements.
5 More often than not, the requirements
6 are over-estimated with the result
7 that at the end of each fiscal year
8 there remains an unexpended balance of
9 the appropriation in the budget for
10 public schools. This balance does not
11 continue in existence as a school fund
12 of any kind, but instead, under the
13 budgetary provisions of Article III,
14 Section 52 of the present Constitution,
15 it reverts to the state treasury as a
16 general surplus, which may be utilized
17 in a supplemental budget, or in the
18 budget for the next fiscal year, for
19 any purpose. It is not in any way
20 limited to use for school purposes."
21

22 That report went on to state that "The
23 Commission does not believe that any good purpose
24 would be served by the retention of a provision
25 that the 'School Fund' of the State shall be kept
26 inviolate."

27 The minority wholeheartedly concurs in this
28 conclusion.

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1 3. The Constitution should contain neither
2 a provision for a state board of education nor a
3 provision for local school boards.

4
5
6 The detailed statute-like provisions of
7 Sections 4 and 5 of the Committee Recommenda-
8 tion are both superfluous and restrictive. Sec-
9 tion 4 deals with the recognition, composition
10 and selection of the State Board of Education
11 stating that, "There shall be a state board of
12 education, composed of members representing
13 geographic areas and appointed by the governor
14 in accordance with law." This provision in sum
15 is virtually identical to the statutory language
16 contained in Article 77, §5 of the Maryland Code
17 and has been in effect in substantially the same
18 form since 1870. The only additional provision
19 is the vague and ambiguous statement that board
20 members must represent "geographic areas." This
21 same concept was contained in the original 1870
22 statute ("one of whom shall be a resident of the
23 Eastern Shore") but was amended out in 1904,
24 never to reappear.
25

26 The general statement in Section 4 with re-
27 spect to the powers and duties of the State
28 Board of Education is merely an oversimplifi-
29 cation of those duties specified in Article 77,
30 §21 of the Maryland Code which section has also
31 been in effect in virtually the same form since
32 1870. This clause reads as follows: "The state
33 board of education shall formulate policy and
34 exercise control and direction over the public
35 school system and shall perform such other duties
36 as may be assigned to it." The final piece of
37 existing legislation which the majority seeks
38 to elevate to Constitutional stature is Article
39 77, §37 of the Maryland Code which provides that
40 the State Superintendent of Schools shall be
41 appointed by the State Board of Education. This
42 section has been in Maryland law since 1916,
43 unchanged and unchallenged.
44

45 The majority is seeking to legislate broadly
46 in the Constitution in this area. It cites as
47 its justification for this the fact that "the
48 educational program of the state must proceed
49 without regard to the political pressures of the
50 moment." We of the minority concur in this

1 self-evident statement but urge that this has
2 already been adequately assured in the Executive
3 Branch Article. Education will certainly be one
4 of the "twenty principal departments" of the
5 Executive Branch under Section 4.18 as adopted.
6 That department will certainly continue, as it
7 has for 97 years, to be "headed" by a board
8 (specifically permitted by Section 4.20 as
9 adopted) and, furthermore, "vacancies" on that
10 board will be filled by the governor "with the
11 advice and consent of the Senate" (Section 4.21
12 as adopted). Section 4 of the Committee Recom-
13 mendation adds nothing to this. Appointment of
14 the board by the governor is already provided
15 for and as the "head of a principal department"
16 that board will certainly have at least the
17 broad powers contained in Section 4. The lan-
18 guage which concerns the recognition, composition
19 and selection of the State Board of Education
20 is superfluous and should be eliminated. Only
21 nine state constitutions contain similar language.
22

23 The only remaining part of Section 4 deals
24 with appointment of a state superintendent of
25 schools by the state board of education. Once
26 again, the solution has been provided by the
27 Executive Branch Article. In Section 4.21, the
28 power to appoint "the head or chief administra-
29 tive officer of ... the state public school
30 system" is specifically withdrawn from the
31 governor. Committee Memorandum No. EB-1 states
32 that the reason for this explicit exception was
33 "to insulate public education from the risk of
34 political influence." The Executive Branch
35 Article, then, has accomplished the purposes of
36 the majority here and has done so for precisely
37 the same reasons (see above). No superfluous
38 repetition is necessary here.
39

40 Finally, there is no evidence that there
41 has been any threat to the existing system by
42 the General Assembly over the many years over
43 which it has been in effect. The minority, like
44 the Constitutional Convention Commission (p.267
45 of its Final Report) "is reluctant to recommend
46 a change in what appears to be an extremely
47 well - run organization, free from political in-
48 fluence." The existing system is fully protected
49 from political interference by the provisions of
50 the Executive Branch Article and by its proven
51 longevity under statute.

1 Turning to Section 5 of the Committee Rec-
2 commendation, which deals with local boards,
3 additional weaknesses appear in the majority
4 report. First, flexibility is prevented in
5 future approaches to educational problems. By
6 the language "each local school system shall be
7 managed by a local school board" the majority
8 prohibits cooperation between school boards in
9 solving common problems and in providing pro-
10 grams of joint interest. The opposite alterna-
11 tive, towards decentralization, is also fore-
12 closed. The Mayor's Advisory Panel on Decen-
13 tralization of New York City Schools, headed
14 by McGeorge Bundy, recently suggested estab-
15 lishing "30 to 60 largely autonomous, locally
16 governed community school districts in New York
17 City." The purpose of that recommendation is
18 to make the schools more responsive to the needs
19 of different neighborhoods and to encourage
20 greater community involvement in the affairs of
21 the schools. The Bundy Plan has been widely
22 praised by educators and civil rights leaders
23 yet would be impossible under Section 5.
24

25 The minority, unlike the majority, does
26 not presume to establish the perfect education-
27 al system for all times in the Constitution.
28 It suggests, with the Washington Post, that
29 "ideas for reorganizing public education ...
30 are being catapulted into the public arena like
31 fireworks." Maryland should not freeze into
32 its Constitution an approach which it may later
33 want to modify or abandon.
34

35 Second, Section 5, when read together with
36 Section 4, substantially weakens the existing
37 powers of local boards. Under Article 77, §55
38 of the Maryland Code county boards of education
39 exercise "control and supervision over the
40 public school system of the county." Under
41 Section 5 the local boards will only "manage"
42 the local school system while the State Board
43 of Education, proposed in Section 4, possesses
44 "control and direction over the public school
45 system." A reversal in the present power
46 structure roles, between the state board and
47 local boards, is thus enabled. Protected by
48 no constitutional powers, local boards may be
49 stripped by the General Assembly of their
50 historic "control and supervision" over their
51 local school systems.

1 The Committee Memorandum (page 6) advocates
2 the Committee's desire that local boards "share
3 with the State" the responsibility for their
4 own education systems, maintaining the tradi-
5 tional "balance" between the state board of
6 education and local boards. The plain meaning
7 of the words contained in Section 5 indicates
8 that the intention of the majority may be
9 easily frustrated because of the dominant
10 constitutional position of the proposed state
11 board of education.

12 All references to state and local boards
13 of education should be stricken from the
14 majority report because the verbiage has no
15 salutary effect, serving only to confuse and
16 restrict the operation of the existing public
17 school system in Maryland.

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1 4. The Constitution should not contain a
2 provision granting autonomy to the board of
3 regents of the state university.
4

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6 The important question we must ask our-
7 selves is not whether the University of Maryland
8 should enjoy autonomy but whether this autonomy
9 should be constitutional as opposed to statu-
10 tory. This vital difference has been largely
11 overlooked in Committee Memorandum No. GP-6 and
12 in the testimony of witnesses before the
13 Committee.
14

15 The best evidence of this fact is found in
16 pages 6 through 9 of the Committee Memorandum.
17 This lengthy section discusses almost exclus-
18 ively why the majority feels that the University
19 of Maryland should have autonomy, which is
20 described as "the right of internal allocation
21 of the funds for which [it is] responsible."
22 Yet the University has enjoyed this identical
23 right by statute since 1952 (Chapter 14 of the
24 Acts of the General Assembly of 1952; presently
25 Article 77, §249e of the Maryland Code), in lan-
26 guage which granted the University the following:
27

28 ".... all the powers, rights and privi-
29 leges that go with the responsibility
30 of management, including the power to
31 conduct or maintain such departments
32 or schools in said University and
33 in such localities as they from time
34 to time may deem wise; and said board
35 shall not be superseded in authority
36 by any other State board, bureau,
37 department or commission, in the manage-
38 ment of the University's affairs...."
39

40 President Wilson H. Elkins, in his testimony
41 before the Committee, stated flatly that the
42 University has "prospered" under this Act.
43 Dr. Elkins further stated that he would be satis-
44 fied with a continuation of the statutory autonomy
45 if he could be assured that it would always remain
46 unimpaired. There was no testimony that the Uni-
47 versity would have flourished to a greater degree
48 under constitutional autonomy during this 15-year
49 period. Finally, nothing in either the testimony
50

1 or the Committee Memorandum indicates that the
2 University's statutory autonomy has been threatened
3 by the General Assembly during this period.
4

5 In light of these facts, why should the
6 existing situation be changed? There seem to
7 be only two reasons for the University's insistence
8 that this matter be dealt with constitutionally. First, constitutional autonomy would
9 be helpful to assure further progress and development of the University, enhancing somehow
10 the stature of the University in the academic world. Second, the General Assembly would no
11 longer be able to tamper with the autonomy granted to the University. On the first point,
12 Dr. Elkins maintains that among the finest state universities in the country are those which enjoy constitutional autonomy. He numbers among these institutions the University of California, the University of Michigan and the University of Minnesota. The implication is that the stature of these institutions stems in large measure from the fact that they have been granted constitutional autonomy.
13
14

15 This conclusion seems at best to be questionable, and at worst to be unjustifiable.
16 The flaw in the reasoning is found in the examination of the six additional state universities similarly situated: the University of Arizona, the University of Georgia, the University of Idaho, the University of Nevada, Oklahoma State University and the University of Utah. There is certainly little justification for maintaining that the long-standing constitutional autonomy enjoyed by the latter six institutions has added greatly to their stature. What is apparent is that there is virtually no correlation between the stature of a state university and the fact that it has constitutional autonomy.
17 This conclusion is buttressed by the fact that superior state universities such as the University of Wisconsin and the University of Illinois, recognized as such throughout the academic world, have never enjoyed constitutional autonomy.
18

19 On the second point, Dr. Elkins states that constitutional autonomy will "provide security for the future as it will remove for all times the possibility of interference by the General
20

1 Assembly." It has already been pointed out
2 that Dr. Elkins is of the opinion that the
3 autonomy of the University has not been jeopardized
4 since its inception in 1952. Yet he
5 makes the statement that "in many and often
6 devious ways" this statutory autonomy is "under
7 attack continually" and "can be eroded."

8 The minority is not persuaded by these
9 veiled hints of legislative intrusion and believes
10 that the record of the absolute independence
11 of the University during this period is clear.
12 On the other hand, the minority believes
13 that the General Assembly must always maintain
14 the possibility of reasserting its control over
15 the University's budget. The Fiscal Digest of
16 the State of Maryland for the Fiscal Year 1968
17 indicates that the State's appropriation for
18 this year to the University of Maryland is
19 \$68,260,410 (including \$13,900,000 for
20 University Hospital). This massive state
21 investment is now protected not only by the right
22 of the General Assembly to cut the total budget
23 of the University but also by its right to circumscribe
24 the fiscal autonomy of the University if it feels
25 that the University is repeatedly mismanaging
26 its funds or is flaunting its express budgetary
27 purposes. Dr. Elkins maintains that the state,
28 even under constitutional autonomy, would be fully
29 protected because the University must continue
30 "justifying funds from the state." But the purely general power of the
31 General Assembly to cut the University's overall
32 budget is of minimal effect if there does not
33 exist also the ultimate possibility of interfering
34 with the University's fiscal autonomy in the
35 event that the relationship between the state
36 and the University should deteriorate to that
37 point.

40 In short, neither of the reasons cited by
41 Dr. Elkins in support of this radical departure
42 from existing state practice is persuasive.
43 Constitutional autonomy does not somehow magically
44 elevate the stature of a state university
45 in the academic world. Also, the General Assembly
46 has demonstrated its willingness to allow
47 the University to manage its own internal affairs
48 but should not be forever cut off from its right
49 to reconsider this decision in the event of

1 change in circumstances. Dr. Elkins has stated
2 himself that

3
4 "It seems to me that the most important
5 act dealing with the University, aside
6 from the provisions establishing the
7 University and its powers, is the Act of
8 1952. It enables us to move along smooth-
9 ly and to operate with a minimum amount
10 of interference. It also places us, to
11 some extent, beyond political considera-
12 tions or the pressures brought on by
13 politics."

14
15 We of the minority agree.

16
17 In conclusion, it should be mentioned that
18 the Committee Memorandum (p. 9) cites the pres-
19 tigious 1959 report of the "Eisenhower Committee"
20 entitled The Efficiency of Freedom as authority
21 for constitutional autonomy. On the contrary,
22 however, this Report, at p. 30, indicates in the
23 following statement that it made little differ-
24 ence to the Eisenhower Committee whether the
25 autonomy is constitutional or statutory:

26
27 "Some of our public colleges and univer-
28 sities enjoy constitutional autonomy;
29 others do not but are protected from
30 interference by statute. The Committee
31 is strongly of the opinion that the
32 American people will best be served
33 if all institutions of higher education
34 are treated as if they had legal auton-
35 omy, once their programs have been ap-
36 proved and their support determined by
37 the legislature." (Emphasis supplied)

38
39 That Committee made it clear that "legal autonomy"
40 meant "either a constitutional amendment or a
41 statute." Once again, the minority agrees.

42
43 Perhaps the philosophy of the minority is
44 best summed up by a statement by the President
45 of the American Council on Education, Logan Wilson,
46 in a paper presented to the 20th National Con-
47 ference on Higher Education, March 1965 in Chicago,
48 in which he said:

49
50 "Our past assumption has been that the

1 separate aims and activities of
2 existing ... universities would some-
3 how add up to the best educational
4 interests of the nation. In my
5 judgement, this is no longer a valid
6 assumption."

7
8 We of the minority are extremely impressed
9 by the tremendous progress the University of
10 Maryland has made and the significant contribu-
11 tion that statutory autonomy has made to this
12 progress. We see no reason why the University
13 of Maryland will not continue to flourish and
14 are opposed to any efforts to alter the existing
15 relationship between the State and the University.

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1 5. The Constitution should not contain a
2 provision granting autonomy to the board of trustees
3 of the state colleges.

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6 The important question with respect to the State
7 Colleges is vastly different from that which we asked
8 ourselves with respect to the University of Maryland.
9 That question is whether the State Colleges should
10 enjoy autonomy? The secondary question is whether
11 this autonomy should be constitutional?

12
13 The Board of Trustees of the State Colleges was
14 established by statute in 1963 (Chapter 41 of the
15 Acts of the General Assembly of 1963; presently
16 Article 77 §§164-65 of the Maryland Code). Prior to
17 the passage of this statute the State Colleges (then
18 State Teachers Colleges) were managed and controlled
19 by a Board of Trustees composed of the State Board
20 of Education and the State Superintendent of Schools.
21 In short, until 1963 these colleges were not even
22 formally recognized as institutions of higher learn-
23 ing. The change came about as the result of the
24 Report issued in 1962 by the Curlett Commission
25 entitled Public Higher Education in Maryland, 1961-
26 1975. It was the recommendation of that Report that
27 the five State Teachers Colleges (Bowie, Coppin,
28 Frostburg, Salisbury and Towson) as well as Morgan
29 State College, be controlled by "a separate board of
30 trustees charged with the single task of governing
31 these institutions." The Report went on to state
32 that this board "should be charged with the task of
33 developing each of these schools into a well-rounded
34 liberal arts institution as soon as it is ready to
35 take this step." The majority is incorrect in its
36 statement (p.9 of the Committee Memorandum) that the
37 Curlett Commission Report recommended that this new
38 board be granted autonomy.

39
40 The Board of Trustees of State Colleges then has
41 been in operation for four years. During this period
42 of time significant progress has been made in the
43 state college system. The five "normal schools"
44 were teachers colleges and have been adjusted to be-
45 come liberal arts colleges. Morgan State College as
46 of July 1, 1967 was placed under the authority of
47 the Board of Trustees of State Colleges.

48
49 The organizational and administrative progress
50 made by the Board of Trustees of State Colleges in

1 its brief history does not in the opinion of the
2 minority justify autonomy in any form. The whole
3 State College System is still largely in a state
4 of flux. The most significant and longest es-
5 tablished liberal arts college (Morgan State
6 College) has been under the Board's control for
7 only five months. Present thought is being given
8 to placing St. Mary's College and Maryland State
9 College under the authority of the Board of
10 Trustees of State Colleges. An immense policy
11 decision is now being considered which would seek
12 to end the *de facto* segregation which now exists
13 in the six state colleges and would improve the
14 academic stature of them by creating areas of
15 academic specialization in each of the colleges.
16 These facts are cited not to deprecate the progress
17 which has been made but only to emphasize the ob-
18 vious conclusion that the Board of Trustees of
19 State Colleges is still undergoing severe growing
20 pains.

21
22 Furthermore, the professional staff of the
23 Board of Trustees is small and lacks any degree of
24 depth. The Personnel Detail of the Maryland State
25 Budget for the Fiscal Year 1968 indicates that the
26 entire staff of the Board consists of only nine
27 persons, only four of whom could be considered to
28 be performing anything other than ministerial
29 duties. These are the Executive Director and three
30 Staff Specialists. The total budget of the Board
31 of Trustees is only \$80,198. The extent of this
32 staff and this budget is roughly the size of the
33 Maryland Office of Economic Opportunity, the Com-
34 mission on Interracial Problems and Relations, the
35 State Scholarship Board and the Maryland Educational
36 Television Commission. By way of further comparison,
37 the staff and budget is roughly 1/2 of that of the
38 State Department of Health and 1/4 of that of the
39 State Department of Mental Hygiene. This small pro-
40 fessional staff of the Board of Trustees of State
41 Colleges is simply not equipped to deal with the
42 immense problems created by the internal fiscal
43 management of six (and possibly eight) liberal arts
44 colleges. The primary focus of responsibility of
45 this staff must be upon the significant policy
46 questions which this Board is now facing.

47
48 The Board of Trustees of State Colleges must
49 itself have recognized its severe shortcomings be-
50 cause in the four short years of its existence it

1 has never approached the General Assembly in an
2 effort to attain statutory autonomy. And yet this
3 same Board, on the strength of the slender evidence
4 marshalled in its favor, now asks this Constitu-
5 tional Convention to grant it constitutional au-
6 tonomy.

7
8 The facts as viewed by the minority lead in-
9 escapably to the conclusion that the Board of
10 Trustees of State Colleges does not need and could
11 not cope with a grant of constitutional autonomy.
12 It is interesting that in its presentation before
13 the Committee, the Board cited the Report of the
14 "Eisenhower Committee" (already referred to in
15 Section 4 above) in support of its position. On
16 page 30 of that Report the following statement
17 appears:

18
19 "Some state-supported institutions,
20 because of inadequate staff or the
21 inability to guarantee a program and
22 staff of excellence, may not be prepared
23 for legal autonomy. But in all cases
24 autonomy should be the ultimate objec-
25 tive, and states should actively work
26 to strengthen the managerial and educa-
27 tional capacities of smaller institu-
28 tions so that they can assume their
29 place as institutions of higher learn-
30 ing worthy of the name."

31 (Emphasis supplied)

32 That Committee also stated on the same page that
33 "legal autonomy" should only be granted to those
34 institutions that carry on "a substantial program
35 of teaching and research" (Emphasis supplied).
36 The Board can now meet none of these standards.
37 The minority wholeheartedly agrees with the standards
38 and guidelines of the "Eisenhower Committee" and
39 suggests that when the Board of Trustees of State
40 Colleges can meet these, it should present its case
41 for statutory autonomy to the General Assembly.

42
43 Finally, there is virtually no precedent in
44 other states for granting constitutional autonomy to
45 state colleges. Only Michigan (and possibly Oklahoma)
46 of all of the 50 states have taken this step. For all
47 of the reasons cited above the minority believes that
48 it would be a drastic mistake for Maryland to grant
49 constitutional autonomy to the Board of Trustees of
50 State Colleges.

1 6. The Constitution should not contain
2 a provision either granting autonomy or per-
3 petuating local control of community colleges.

4
5
6 At present community colleges may be
7 created by the Board of Education in any county
8 with the consent of the State Superintendent of
9 Schools. Regional community colleges for two
10 or more counties (i.e., Chesapeake Community
11 College) may be established by the State Board
12 of Education with the prior approval of the
13 governing authorities of each county. The
14 local Boards of Education now sit as Boards
15 of Trustees for these institutions. There are
16 presently nine counties and the City of Balti-
17 more which have established community colleges
18 and the trend is towards an ever increasing
19 number throughout the State. Three additional
20 counties are now in the process of establishing
21 community colleges (Carroll, Garrett, Howard).
22

23 The majority in its Committee Recommenda-
24 tion (Section 7) takes an entirely inconsistent
25 position with respect to community colleges.
26 In Section 7 it states that these colleges
27 "shall be controlled by local boards in
28 accordance with law." Yet at page 10 of
29 the Committee Memorandum it is stated that
30 community college system must be "open-ended"
31 and that the process of development "is one
32 of evolution." The minority agrees completely with
33 these latter statements and feels that for these
34 very reasons it would be a serious mistake to
35 vest for all time control of community
36 colleges in local boards.
37

38 The national trend, as reported in a 1966
39 study of the United States' Office of Education
40 entitled "State Legislation Relating to Higher
41 Education," is for increasing state direction
42 of community colleges by separate boards which
43 are not controlled by or connected with state
44 boards of public education. The trend within
45 the state is also away from this approach. A
46 bill, which recently received approval of the
47 Legislative Council and will be introduced at
48 the next session of the General Assembly,
49 would create a State Board for Community
50 Colleges, which would play a successor role

1 to that of the State Board of Education and
2 would unify and centralize coordination and
3 direction of the community college system in
4 Maryland. More specifically, under this bill,
5 the State Board for Community Colleges will
6 "have and exercise full state-wide responsi-
7 bility for the operation, control, and
8 functions of the several community colleges."
9 The establishment of this Board would not
10 only establish the functional independence
11 of community colleges from high school educa-
12 tion but would also aid greatly in preventing
13 duplication of physical facilities and
14 academic programs in adjoining counties.
15 This concept received unanimous approval of
16 the Maryland Conference of the American
17 Association of University Professors at
18 its meeting in Baltimore on December 2.
19

20 The minority takes no position as to
21 how the quantum of control of community
22 colleges should be divided among the State
23 and the counties. It points out only that
24 if Section 7 of the Committee Recommendation
25 is adopted, the process of evolution would
26 be forever arrested and the possibility of a
27 meaningful state coordinating board will
28 be removed. The minority believe strongly
29 that the General Assembly must be afforded
30 full flexibility in dealing with the new
31 and rapidly developing area of community
32 college education and hence unalterably
33 opposes this stultifying provision of
34 Section 7.
35

36 An additional comment must be made
37 about the grant of autonomy which the majority
38 seeks to provide to each local board of
39 community colleges. This provision is not
40 of constitutional dimension and, although
41 perhaps presently desirable, may interfere
42 with state-wide coordination in the future.
43 Even the Michigan Constitution, which is by
44 far the most top-heavy of all state consti-
45 tutions on the subject of education, is
46 entirely silent on the autonomy point. For
47 all of the reasons cited in Sections 4 and
48 5 above and for the additional reasons herein
49 contained, autonomy for the proposed local
50 boards of community colleges is entirely
51 inappropriate.

1 7. The Constitution should not contain
2 a provision establishing a state advisory
3 council of higher education.

4
5
6 The Committee Recommendation, in Section
7 8, provides for a state advisory council of
8 higher education "to assist in the coordinating
9 of programs of higher education in this State."
10 At pp. 10 and 11 of the Committee Memorandum it
11 is stated that the purpose of such an advisory
12 council will be to "shortstop wasteful dupli-
13 cation" among the autonomous branches of the
14 tripartite system of higher education and formu-
15 late "an overall program for higher education."

16
17 If such is the intention of the majority,
18 it is completely wishful thinking for two
19 important overriding reasons. First, in
20 Sections 6 and 7 of the Committee Recommendation
21 the majority has sought to grant "general
22 supervision of their institution or institu-
23 tions and control and direction of all expen-
24 ditures of the funds of their institution or
25 institutions" to the board of regents of the
26 University of Maryland, to the board of
27 trustees of state colleges and to the local
28 boards of public community colleges. The
29 presently existing Advisory Council for
30 Higher Education was created in 1963 (Chapter
31 41 of the Acts of the General Assembly of
32 1963; presently Article 77 §§325-327 of the
33 Maryland Code) pursuant to the recommendations
34 contained in the Report of the Curlett Commis-
35 sion of 1962 (See Section 5 above). That
36 Report recommended continuation of the statu-
37 tory autonomy of the University of Maryland
38 but made no recommendation for autonomy for
39 either the system of state colleges or the
40 system of community colleges.
41

42 One of the reasons for this is clear.
43 In order for the Advisory Council to be able
44 effectively "to shortstop wasteful duplication"
45 it must, through the General Assembly, prevent
46 duplication and proliferation of identical
47 physical facilities and academic programs.
48 With autonomy, however, each of the branches
49 of this tripartite system of higher education
50 can, through its exclusive power of internal

1 allocation of funds, continue such competing
2 programs and frustrate the intent of not only
3 the Advisory Council but also the General
4 Assembly. In short, autonomy emphasizes the
5 word "advisory" and further insures that the
6 advice shall be given not to the General
7 Assembly but to the governing boards of each
8 of the branches of the tripartite system,
9 which boards shall be completely free to
10 ignore such advice at will.

11 Second, by the express language of
12 Section 8 of the Committee Recommendation,
13 the Advisory Council has the power only "to
14 assist in the coordinating of the programs
15 of higher education" in Maryland. In addition
16 then to the severe limitation placed upon the
17 Advisory Council by the grant of constitutional
18 autonomy, its role is further limited by the
19 diminished stature granted to it in its
20 advisory capacity.

21 If the majority were forthright in its
22 desire to provide for an effective advisory
23 board it should have followed the advice of
24 the Advisory Council for Higher Education in
25 its pamphlet entitled "Constitutional Autonomy
26 and the Coordination of Public Higher Education
27 in Maryland." The conclusion of this Report
28 could not have been clearer:

29 "The Council believes that autonomy over
30 the internal management of public higher
31 educational institutions should be
32 provided by statute and not spelled
33 out in the Constitution."

34 In the context of the entire Committee
35 Recommendation, Section 8 is meaningless and
36 serves no beneficial purpose. Furthermore,
37 the adopting of Section 8 along with Sections
38 6 and 7 of Committee Recommendation No. GP-6
39 would constitutionally create an Advisory
40 Council for Higher Education which would be
41 little more than an empty shell and would
42 establish a series of provisions entirely
43 unique among constitutions of the United
44 States.

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1 8. The Constitution should not contain a
2 provision establishing a statewide system of
3 public libraries.

4

5

6 Section 9 of the Committee Recommenda-
7 tion is perhaps the most inscrutable of all
8 the sections of the majority report. The
9 reasons for this are twofold. First, not one
10 single witness appearing before the Committee
11 recommended constitutional recognition of
12 public libraries much less the establishment
13 of a "statewide system of public libraries."
14 Second, nothing contained in either the lan-
15 guage of Section 9 or the commentary (page 11)
16 gives any guidance as to the intention of the
17 majority report. This provision is dismissed
18 lightly in the commentary as being "practically
19 self-explanatory." The minority cannot agree
20 with this wishful interpretation. Is it the
21 intention of the majority to mandate the crea-
22 tion of a separate statewide board of libraries
23 to "formulate policy and exercise control and
24 direction" over the public libraries of this
25 state? Is it the intention of the majority to
26 over-ride and rework the twenty-four lengthy
27 and detailed sections of the Maryland Code
28 (Article 77, §§177 through 201) which deal
29 extensively with the subject of public libraries
30 throughout the state?

31

32 The minority feels that little more need
33 be said on this point. Public libraries have
34 been recognized by the General Assembly since
35 1870 and they have flourished and developed
36 under statutory treatment since that date.
37 There is no state constitution which estab-
38 lishes or mandates the establishment of a
39 statewide system of public libraries. In fact,
40 only four constitutions (Massachusetts, Michigan,
41 Missouri, Oklahoma) even make reference to pub-
42 lic libraries. If Maryland is to pioneer in this
43 field, the minority suggests that such action
44 should only come after careful and reasoned study
45 of the subject. Both the absence of testimony on
46 this point and the murky language of the Commit-
47 tee Recommendation and Memorandum indicate that
48 there has been a total absence of study by the
49 majority. For these reasons the minority recom-
50 mends deletion of Section 9.

PART B

The fountainhead of Maryland's diverse and extensive system of public and higher education is only one hundred thirty-nine words in the present Constitution (Article 43 of the Declaration of Rights and Sections 1, 2 and 3 of Article VIII). Education is treated in the "Model State Constitution," published by the National Municipal League, in a section which consists of five lines. The Final Report of the Constitutional Convention Commission recommends two separate sections on this subject totalling only twelve lines in length. We of the minority strongly believe that the constitutional tradition of Maryland, as well as sound principals of constitutional drafting, dictate conciseness and brevity and that questions of policy and direction should properly be left to the General Assembly and the professional administration of the education system.

Section 8.03 of Minority Report No. GP-6 (A) deals with the subject of public education. This section is a distillation and further expansion of the concepts presently contained in Article VIII, §1, of the present Constitution and Article 43 of the Declaration of Rights. The mandatory language of this section continues to require the General Assembly to "provide by law for statewide systems of free public schools." The additional, more discretionary language of the section, however, indicates that the General Assembly should not limit itself to this rather narrow program but should also establish other "necessary and desirable" institutions and services for public education.

39 The General Assembly should have the sole
40 power of determining what these programs should
41 be but the minority suggests that the range of
42 choice is extremely broad under its proposed
43 language. Expanding programs of pre-school edu-
44 cation, post-secondary school education, adult
45 education, vocational education and special
46 facilities for the handicapped are among those
47 areas which the minority feel are covered by this
48 broad language. The word "services" is added
49 intentionally in order to specifically permit

1 correspondence courses, foreign language laboratories, and educational television programs which
2 strictly speaking may not be covered by the word
3 "institutions." This broad language would also
4 permit the expansion of the State's programs in
5 the areas of low-interest loans to students,
6 scholarships and other direct money grants, as
7 well as a process of evolution towards free
8 tuition at the post-secondary school level.
9

10
11 One of the minority's few points of agree-
12 ment with the majority is that there is no pre-
13 sent need in the Maryland Constitution for an
14 anti-discrimination clause related to education.
15 The minority agrees with the majority statement
16 that such clauses are "ineffectual and unneces-
17 sary" and that Congress and the courts have
18 effectively established the guide lines in this
19 area. Also the minority is impressed with the
20 effective manner in which the State Board of
21 Education has acted throughout Maryland to pre-
22 vent discrimination. The most recent example
23 of this is its action in requiring an effective
24 program of desegregation in Somerset County.
25 In short, the minority believes that anti-
26 discrimination language not only is hortatory
27 in nature but also is superfluous in light of
28 the extensive development of the statutory and
29 case law in this area.
30

31 The minority recognizes the importance of
32 providing a constitutional framework within
33 which the tripartite system of higher education
34 (universities, colleges, community colleges)
35 may continue to flourish and develop. It is
36 not the intention of Section 8.04 to interfere
37 with the existing relationships between community
38 colleges and local governments and school boards.
39 In the event that the General Assembly should
40 decide to create an independent state board for
41 community colleges with supervisory and coodina-
42 ting powers (Section 6, supra), the minority
43 believes that such board should be granted the
44 express powers in this section.
45

46 The minority's reasons for denying consti-
47 tutional "fiscal autonomy" to the governing
48 boards of institutions of higher learning have
49 already been fully discussed (Sections 4 through
50 7, supra). Nothing herein is intended, however,

1 to prevent the General Assembly from granting
2 such autonomy whenever "appropriate" nor is it
3 the intention of the minority to in any way
4 limit the degree of autonomy presently enjoyed
5 by the University of Maryland (Section 4, supra).
6 Determination of whether the governing boards
7 of institutions are prepared for such autonomy
8 is a difficult question. The minority was im-
9 pressed by the Report of the Eisenhower Commit-
10 tee, entitled "The Efficiency of Freedom," relied
11 upon heavily by the majority, and suggests that
12 its guide lines for "legal autonomy" should be
13 considered by the General Assembly: adequacy of
14 staff, ability to guarantee a program and staff
15 of excellence, extent of commitment to programs
16 of research.

17
18 The minority believes that institutions of
19 higher learning should begin with academic free-
20 dom and should evolve toward statutory fiscal
21 autonomy when they have demonstrated their proven
22 capability to deal with such broad authority.
23 The General Assembly, not this Constitutional
24 Convention, should have the responsibility for
25 this essentially factual decision.

26
27 The minority believes that the strength of
28 the education system of a State does not depend
29 upon the extent of the language contained in its
30 constitution. Some of the states with the strong-
31 est state universities, such as Illinois, Indiana,
32 Ohio and Oregon have little or no constitutional
33 provisions relating to higher education. Perhaps
34 the best statement on this point is contained in a
35 booklet "Education and the 1967 Constitutional
36 Convention," prepared by the New York State Edu-
37 cation Department, which makes the following
38 statement:

39
40 "The next decade will be char-
41 acterized by an expansion of higher
42 education far beyond what has occurred
43 previously. Existing arrangements for
44 planning, financing, coordinating, and
45 developing higher education within the
46 State will be severely tested. Huge
47 capital outlays and rapidly rising
48 operating budgets will strain existing
49 sources of private and public support.
50 New arrangements and programs may have

Constitutional Convention

AMENDMENT NO. 1

To Accompany Minority Report GP-6 (A)

~~XXXXXXXXXXXXXX~~ _____

To Committee Recommendation No. GP-6

BY DELEGATES BOYER, LORD, JETT, KEY,
 SINGER, E. J. CLARKE, CALDWELL

1 On page 1 strike out all of Section 1 com-
2 prising lines 5 through 11, inclusive, and on
3 pages 1 and 2 strike out all of Section 4, com-
4 prising lines 21 through 24, inclusive, on
5 page 1 and all of lines 1 through 10, inclu-
6 sive, on page 2 and insert in lieu thereof the
7 following:

8
9 "Section ____ . Public Education

10
11 The State shall provide by law for a state-
12 wide system of free public schools headed by
13 a governing board appointed by the governor.
14 The State shall also provide by law for such
15 other public educational institutions and
16 services as may be necessary or desirable for
17 the intellectual, cultural and occupational
18 development of the people of the State."

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Constitutional Convention

AMENDMENT NO. 2

To Amendment No. _____

To Committee Recommendation No. GP-6

BY DELEGATES WHEATLEY, BLAIR, KIRKLAND,
PULLEN, RITTER, K. L. ROBIE,
SOSNOWSKI, VECERA

1 On page 1 of the amendment in line 18 after
2 the period add this new sentence:

3

4 "The board shall appoint a state superintendent
5 of schools who shall be its executive and pro-
6 fessional officer."

7

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(2)

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 2 to
Com. Rec. GP-6

S	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
resident		●	Clagett		●	Key		●	Robey, F. C.		●
awes		●	Clarke, E. J.		●	Kiefer		●	Robie, K. L.		●
lark, J.	●		Cleveland		●	Kirkland		●	Rollins		●
ames		●	Dabrowski		●	Koer		●	Rosenstock		●
bramson		●	Derby		●	Kosakowski		●	Rush		●
dkins		●	Della	●		Koss		●	Rybaczynski		●
nderson		●	Dorsey		●	Leitzel		●	Scanlan	●	
rmor		●	Dukes	●		Linton		●	Schloeder		●
amberger		●	Dulany		●	Lord		●	Schneider		●
ard		●	Eckenrode		●	Macdonald		●	Sherbow		●
arrick	●		Finch		●	Malkus		●	Sickles		●
aumann	●		Fornos		●	Marion		●	Siewierski		●
eachley		●	Fox		●	Mason		●	Singer		●
eall	●		Frederick		●	Maurer		●	Smith, J. H.		●
ennett	●		Freedlander		●	Mentzer		●	Smith, M. H.		●
lair		●	Gallagher		●	Miller, B.		●	Sollins		●
oileau		●	Gilchrist		●	Miller, E. T.		●	Sosnowski		●
orom		●	Gill		●	Mitchell		●	Soul		●
othe		●	Gleason		●	Morgan		●	Stern		●
oyce		●	Grant		●	Moser		●	Storm		●
oyer		●	Groh		●	Mosner	●	●	Sybert		●
oyles		●	Grumbacher		●	Mudd		●	Taylor, H. E.		●
radshaw		●	Gullett		●	Murphy		●	Taylor, L.		●
ryson		●	Hanson		●	Murray, D. S.		●	Ulrich		●
urdette		●	Hardwicke		●	Murray, E. C.		●	Vecera		●
urgess		●	Hargrove		●	Needle		●	Wagandt		●
ushong	●		Harkness		●	Neilson		●	Webb		●
uzzell		●	Harris	●	●	Neumann		●	Ritter		●
yrnes		●	Henderson		●	Smith, A. W.		●	Weidemeyer		●
oldwell		●	Hickman		●	Pascal	●	●	Wheatley		●
ardin		●	Hopkins		●	Penniman		●	White		●
arson		●	Hostette		●	Peters		●	Willis		●
ase		●	Hutchinson		●	Powers		●	Willoner		●
habot		●	Jett		●	Price	●	●	Winslow		●
child	●		Johnson		●	Pullen		●			
Icone		●	Kahl		●	Raley		●			

YEAS	N-V	NAYS
100-200	100-200	100-200
0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
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DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 2
2000	200	3
3000	300	1
4000	400	2
500	50	3
RESO.	60	4
2-R.	70	5
3-R.	80	6
QUO.	90	7
MOT.	00	SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

Constitutional Convention

AMENDMENT NO. 3

To accompany Minority Report GP-6 (A)
To Amendment No. _____

To Committee Recommendation No. GP-6

BY DELEGATES BOYER, LORD, JETT, KEY,
SINGER, E. J. CLARKE, CALDWELL

1 On page 1 strike out all of lines 13 through
2 15, inclusive, comprising all of Section 2.
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Approved

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 3 to
Com. Rec. GP-6

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J. ● Aye		
● James		
● Abramson		
● Adkins		
● Anderson		
● Armor		
Bamberger	●	
Bard	●	
Barrick	●	
Baumann	●	
Beachley	●	
Beall	●	
Bennett	●	
Blair	●	
Boileau	●	
● Borom		
Bothe	●	
● Boyce		
● Boyer		
● Boyles		
● Bradshaw		
● Bryson		
Burdette	●	
Burgess	●	
Bushong ●		
Buzzell	●	
Byrnes	●	
● Caldwell		
● Cardin		
● Carson		
● Case		
Chabot	●	
● Child		
● Cicone		

YEAS	N-V	NAYS
● Clagett		
● Clarke, E. J.		
Cleveland	●	
Dabrowski	●	
Darby	●	
Della	●	
Dorsey	●	
Dukes	●	
● Dulany		
● Eckenrode		
Finch	●	
● Fornos		
● Fox		
● Frederick		
● Freedlander		
● Gallagher		
● Gilchrist		
Gill	●	
Gleason	●	
Grant	●	
● Groh		
Grumbacher	●	
Gullett	●	
Hanson	●	
Hardwicke	●	
Hargrove	●	
● Harkness		
Harris	●	
● Henderson		
● Hickman		
● Hopkins		
● Hostetter		
● Hutchinson		
Jett	●	
● Johnson		
Kahl	●	

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland	●	
Kooper	●	
Kosakowski	●	
Koss	●	
● Leitzel		
Linton	●	
● Lord		
● Macdonald		
● Malkus		
● Marion		
Mason	●	
Maurer	●	
● Mentzer		
Miller, B.	●	
Miller, E. ●		
Mitchell	●	
Morgan	●	
● Moser		
Mosner	●	
● Mudd		
● Murphy		
Murray, D. S.	●	
Murray, E. C.	●	
Needle	●	
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
Peters	●	
● Powers		
Price	●	
Pullen	●	
● Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
Robie, K. L.	●	
Rollins	●	
● Rosenstock		
Rush	●	
Rybczynski	●	
Scanlan	●	
Schloeder	●	
● Schneider		
Sherbow	●	
Sickles	●	
● Siewierski		
Singer	●	
Smith, J. H.	●	
● Smith, M. H.		
Sollins	●	
Sosnowski	●	
Soul	●	
● Stern		
● Storm		
● Sybert		
● Taylor, H. E.		
Taylor, L.	●	
● Ulrich		
Vecera	●	
● Wagandt		
Webb	●	
● Ritter		
● Weidemeyer		
Wheatley	●	
White	●	
● Willis		
● Willoner		
● Winslow		

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100 10 1	JAN. 2 3
2000	200 20 2	1
3000	300 30 3	2
4000	400 40 4	3
500	50 5	4
RESO.	600 60 6	5
2-R.	700 70 7	6
3-R.	800 80 8	SEPT. 7
QUO.	900 90 9	OCT. 8
MOT.	000 00 0	NOV. 9
		DEC. 0

Constitutional Convention

AMENDMENT NO. 4

To accompany Minority Report GP-6 (A)

~~XXXXXXXXXXXXXX~~

To Committee Recommendation No. GP-6

BY DELEGATES BOYER, LORD, JETT, KEY,
SINGER, E. J. CLARKE, CALDWELL

1 On page 1 strike out all of lines 17 through
2 19, inclusive, comprising all of Section 3.

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

*Amend. 4 to
Com. Rec. GP-6*

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YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President			● Claggett		● Key	● Robey, F. C.		
Tawes			● Clarke, E. J.		● Kiefer	● Robie, K. L.		
Clark, J. ● <i>Aye</i>			Cleveland		● Kirkland	● Rollins		
James			● Dabrowski		● Kooger	● Rosenstock		
Abramson			Darby	●	● Koss	● Rush		
Adkins			Della	●	● Leitzel	Rybaczynski		
Anderson			● Dorsey		● Linton	Scanlan	●	
Armor			Dukes	●	● Lord	Schloeder		
Bamberger			● Dulany		● Macdonald	● Schneider		
Bard			● Eckenrode		● Malkus	● Sherbow		
Barrick	●		Finch	●	● Marion	● Sickles		
Baumann	●		● Fornos		● Mason	● Siewierski		
Beachley			● Fox		● Maurer	● Singer		
Beall	●		● Frederick		● Mentzer	● Smith, J. H.		
Bennett	●		● Freedlander		● Miller, B.	● Smith, M. H.		
Blair			● Gallagher		● Miller, E. ●	● Sollins		
Boileau			● Gilchrist		● Mitchell	● Sosnowski		
Borom			● Gill		● Morgan	● Soul		
Bothe			● Gleason		● Moser	● Stern		
Boyce			● Grant		● Mosner	● Storm		
Boyer			● Groh		● Mudd	● Sybert		
Boyles			● Grumbacher		● Murphy	● Taylor, H. E.		
Bradshaw			● Gullett		● Murray, D. S.	● Taylor, L ●		
Bryson			Hanson	●	● Murray, E. C.	● Ulrich		
Burdette	●		● Hardwick		● Needle	● Vecera		
Burgess			● Hargrove		● Neilson	● Wagandt		
Bushong	●		● Harkness		● Neumann	● Webb	●	
Buzzell			Harris	●	● Smith, A. W.	● Ritter		
Byrnes			● Henderson		Pascal	● Weidemeyer		
Caldwell			● Hickman		● Penniman	● Wheatley		
Cardin			● Hopkins		● Peters	White	●	
Carson			● Hostetter		Powers	● Willis		
Case			Hutchinson		● Price	● Willoner		
Chabot			Jett	●	● Pullen	● Winslow		
Child			● Johnson		● Raley			
Ciccone			Kahl	●				

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0 ●	0 0	● 0 0 ●
1 1	1 1	1 1
2 2	2 2 ●	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
	500 50 5
RESO.	600 60 6
2-R.	700 70 7
3-R.	800 80 8
QUO.	900 90 9
MOT.	000 00 0

DATE: 1 ●
JAN. 2
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SEPT. 7
OCT. 8:
NOV. 9
DEC. 0

J

Constitutional Convention

AMENDMENT NO. 5

To Accompany Minority Report GP-6 (A)
To Committee Recommendation No. GP-6

BY DELEGATES BOYER, LORD, JETT, KEY,
SINGER, E. J. CLARKE, CALDWELL

1 On page 2 strike out all of lines 12 through
2 26, inclusive, comprising all of Section 5.

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend. 5 to
Com Rec GP-6

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J. ● Aye		
James	●	
● Abramson		
● Adkins		
Anderson	●	
● Armor		
● Bamberger		
Bard	●	
Barrick	●	
Baumann	●	
Beachley	●	
Beall	●	
Bennett	●	
Blair	●	
● Boileau		
● Borom		
● Bothe		
● Boyce		
● Boyer		
● Boyles		
● Bradshaw		
● Bryson		
Burdette	●	
Burgess	●	
Bushong	●	
● Buzzell		
● Byrnes		
Caldwell		
● Cardin		
Carson	●	
Case	●	
● Chabot		
● Child		
● Cicone		

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YEAS	N-V		NAYS	
100-200	100-200		100-200	
0 0	0	0	0	0
1 1	1	1	1	1
2 2	2	2	2	2
3 3	3	3	3	3
4 4	4	4	4	4
5 5	5	5	5	5
6 6	6	6	6	6
7 7	7	7	7	7
8 8	8	8	8	8
9 9	9	9	9	9

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YEAS	N-V	NAYS
● Clagett		
● Clarke, E. J.		
Cleveland		
Dabrowski	●	
Darby	●	
Della	●	
Dorsey	●	
Dukes	●	
● Dulany		
● Eckenrode		
Finch	●	
● Fornos		
● Fox		
Frederick		
● Freedlander		
● Gallagher		
● Gilchrist		
Gill		
● Gleason		
● Grant		
Groh		
● Grumbacher		
Gullett	●	
● Hanson		
Hardwick		
● Hargrove		
● Harkness		
Harris	●	
Henderso		
Hickman		
● Hopkins		
● Hostetter		
Hutchins		
Jett	●	
Johnson		
Kahl		
● Key		
● Kiefer		
Kirkland		●
● Kooger		
Kosakowski		●
● Koss		
● Leitzel		
Linton		●
● Lord		
● Macdonald		
Malkus	●	
● Marion		
● Mason		
● Maurer		
● Mentzer		
● Miller, B.		
Miller, E. ●		
Mitchell		●
● Morgan		
● Moser		
Mosner	●	
● Mudd		
Murphy	●	
Murray, D. S.		●
Murray, E. C.		●
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
● Peters		
● Powers		
Price	●	
Pullen		●
● Raley		

DEL. PRO.	COM. REC.	DATE: 1 JAN. 2
1000	100	10 1
2000	200	20 2
3000	300	30 3
4000	400	40 4
	500	50 5
RESO.	600	60 6
2-R.	700	70 7
3-R.	800	80 8
QUO.	900	90 9
MOT.	000	00 0

SEPT. 7

OCT. 8

NOV. 9

DEC. 0

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Constitutional Convention

AMENDMENT NO. 6

~~Box A~~ Amendment No. _____

To Committee Recommendation No. GP-6

BY DELEGATE S WHEATLEY, BLAIR, KIRKLAND,
PULLEN, RITTER, K. L. ROBIE,
SOSNOWSKI, VECERA

1 On page 2 Section 5 in line 16 strike out
2 the word "boards" and insert in lieu thereof
3 the word "systems".
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Constitutional Convention

AMENDMENT NO. 1

To Amendment No. _____

To Committee Recommendation No. GP-6

BY DELEGATES WHEATLEY, BLAIR, KIRKLAND, PULLEN,
RITTER, K. L. ROBIE, SOSNOWSKI,
VECERA

1 On page 2 Section 5 in line 17 after the
2 word "selection" add the words "of their school
3 board".
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Constitutional Convention

AMENDMENT NO. 8

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To Committee Recommendation No. GP-6

BY DELEGATE WILLIS

1 On page 2 Section 5 in line 13 strike out
2 the words "managed by" and insert in lieu
3 thereof the following words:
4
5 "under the control and direction of";
6
7 And in line 17 place a period after the
8 word "selection," and strike out the remainder
9 of this line and all of lines 18 through 26,
10 inclusive.

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Words added

By Raymond J.
Farr

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend. 8 to
Com Rec GP-6

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J. ●	Aye	
James ●		
● Abramson		
● Adkins		
● Anderson		
● Armor		
● Bamberger		
● Bard		
Barrick ●		
Baumann ●		
● Beachley		
Beall ●		
Bennett ●		
● Blair		
Boileau ●		
Borom ●		
● Bothe		
● Boyce		
● Boyer		
● Boyles		
● Bradshaw		
● Bryson		
● Burdette		
Burgess ●		
Bushong ●		
● Buzzell		
● Byrnes		
Caldwell		
● Cardin		
● Carson		
● Case		
● Chabot		
Child		
● Ciccone	●	

YEAS	N-V	NAYS
● Claggett		
● Clarke, E. J.		
Cleveland ●		
Dabrowski ●		
Darby ●		
Della ●		
● Dorsey		
Dukes ●		
● Dulany		
● Eckenrode		
Finch ●		
● Fornos		
● Fox		
Frederick ●		
Freedlander ●		●
● Gallagher		
● Gilchrist		
Gill ●		●
● Gleason		
● Grant		
● Groh		
● Grumbacher		
Gullett ●		
● Hanson		
Hardwick ●		
● Hargrove		
● Harkness		
Harris ●		
Henderso ●		
● Hickman		
● Hopkins		
● Hostetter		
Hutchinson ●		
Jett ●		
● Johnson		
Kahl ●		

YEAS	N-V	NAYS
Key ●		
● Kiefer		
Kirkland ●		
● Koiger		
● Kosakowski		
Koss ●		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus ●		
● Marion		
● Mason		
Maurer ●		●
● Mentzer		
● Miller, B. ●		
Miller, E. ●		
● Mitchell		
● Morgan		
● Moser		
Mosner ●		
● Mudd		
● Murphy		
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal ●		
● Penniman		
Peters ●		●
● Powers		
Price ●		
● Pullen		
● Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
● Rollins		
● Rosenstock		
● Rush		
● Rybczynski		
Scanlan ●		
● Schloeder		
● Schneider		
● Sherbow		
● Sickles		
● Siewierski		
● Singer		
● Smith, J. H.		
● Smith, M. H.		
● Sollins		
● Sosnowski		
● Soul		
Stern ●		
● Storm		
● Sybert		
● Taylor, H. E.		
● Taylor, L.		
● Ulrich		
● Vecera		
● Wagandt		
● Webb		
● Ritter		
● Weidemeyer		
● Wheatley		
● White		
● Willis		
● Willoner		
● Winslow		

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YEAS	N-V	NAYS
100-200	100-200	100-200
● 0 0	0 0	● 0 0
1 1	1 1	● 1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE: 1
1000	100 10 1	● JAN. 2 3
2000	200 20 2	1
3000	300 30 3	2
4000	400 40 4	3
500	50 5	4
RESO.	600 60 6	5
2-R.	700 70 7	6
3-R.	800 80 8	● SEPT. 7
QUO.	900 90 9	OCT. 8
MOT.	000 00 0	NOV. 9
		● DEC. 0

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Constitutional Convention

AMENDMENT NO. 9

To Amendment No. _____

To Committee Recommendation No. GP-6

BY DELEGATE S BOYER, WHEATLEY, BLAIR, CALDWELL,
E.J. CLARKE, JETT, KEY, KIRKLAND, LORD, PULLEN, RITTER,
ROBIE, SINGER, SOSNOWSKI, VECERA.

1 On pages 2 and 3, strike out all of Sections
2 6, 7 and 8, comprising lines 28 through 50,
3 inclusive, on page 2 and lines 1 through 6,
4 inclusive, on page 3; and insert in lieu
5 thereof the following:

6
7 "Section _____. Higher Education
8

9 The governing boards provided by law for the
10 University of Maryland, the State Colleges and
11 all other state institutions of higher educa-
12 tion, including community colleges, shall
13 formulate policies for their respective insti-
14 tutions and shall have general supervision
15 thereof in all academic matters. Such boards
16 may by law be granted such additional powers
17 of supervision, direction and control of their
18 respective institutions and the expenditure
19 of the funds thereof as the General Assembly
20 may deem to be appropriate."

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Constitutional Convention

AMENDMENT NO. 10

To Amendment No. _____

To Committee Recommendation No. GP-6

BY DELEGATES BOYER, WHEATLEY, BLAIR, CALDWELL
E. J. CLARKE, JETT, KEY, KIRKLAND, LORD, PULLEN
RITTER, ROBIE, SINGER, SOSNOWSKI, VECERA.

1 On page 3 strike out all of lines 8 through
2 10, inclusive, comprising all of Section 9.
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Constitutional Convention

AMENDMENT NO. _____

~~AMENDMENT NO.~~ _____

To Committee Recommendation No. GP-6

BY DELEGATES WHEATLEY, BLAIR, KIRKLAND, PULLEN,
RITTER, K. L. ROBIE, SOSNOWSKI,
VECERA

1 On page 1 strike out all of lines 17, 18 and
2 19, comprising all of Section 3.

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*J. A. C.
C. S.
H.*

for second reading
see
SAC - 17

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-7

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17, 1967.

Presented, read, and referred to the Committee of the Whole.

P-W

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 11, 290 & 321.

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on amendment of the Consti-
3 tution to read as follows:

4 An amendment to this Constitution may be
5 proposed either by the affirmative vote of
6 three-fifths of all the members of each house
7 of the General Assembly or by the vote of a
8 majority of all the members of a constitu-
9 tional convention called by the General
10 Assembly. In either case, the proposed amend-
11 ment shall be submitted to the voters of the
12 State at a special or general election as
13 determined by the General Assembly or the
14 convention, whichever proposes the amendment.
15 Notice of the election shall be given as
16 prescribed by law. Unless otherwise provided,
17 the amendment shall become effective thirty
18 days after approval by the vote of a majority
19 of those voting thereon.

21
22
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24

Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-7

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17, 1967.

In support of Committee Recommendation No. GP-7

1 The recommended provision is identical
2 with that contained in the Commission's draft.
3 It provides for two methods of proposing an
4 amendment; first, through the legislature by
5 a three-fifths vote of the membership, and
6 secondly, through a constitutional convention
7 called by the legislature. No amendment can
8 become operative until it has been ratified
9 by the people who may vote for or against it
10 at a special or general election.

11 This provision must be read in conjunc-
12 tion with the recommendation relating to
13 procedures for calling a constitutional con-
14 vention, which provides other means of
15 effecting constitutional change.

16 While the committee ultimately endorsed
17 the draft provision, it did so only after
18 detailed consideration of several alterna-
19 tives. The committee finds that the recom-
20 mended section strikes a proper balance
21 between the principle that the fundamental
22 document of state government should have a
23 high degree of permanence, and the necessity
24 for flexibility.

25 The committee is satisfied that initiation
26 of proposed amendments through the legisla-
27 ture, in conjunction with a modern form of
28 state constitution, is a sufficient safe-
29 guard to the rights of the people. Since

1 this convention will recommend a constitution
2 greatly reduced in detail and allowing rela-
3 tively broad powers of implementation to the
4 standing departments of government, the
5 amendment process will not carry its former
6 burden in effecting changes in the detail of
7 government. The legislature, with its broader
8 responsibilities, will be able to effect many
9 of the kinds of changes which, in the past,
10 have only been possible through amendment of
11 the Constitution. Because of its greater
12 power to implement the Constitution, the legis-
13 lature will most often be the first to recog-
14 nize a legitimate necessity for constitutional
15 amendment.

16

17 The legislature under this constitution will
18 be apportioned on a basis of population. The
19 legislative article contains safeguards tending
20 to assure a high degree of legislative responsi-
21 bility and answerability. Under these circum-
22 stances, it is felt that omission of a provision
23 for proposal of amendments through popular
24 initiative does not create a grave risk. The
25 right of popular expression is preserved in the
26 ratification procedure.

27

28 The amendment procedure here proposed parallels
29 one of the two procedures for amendment of the
30 United States Constitution. It should be noted
31 that the United States Constitution has survived
32 180 years with only 24 amendments. While the
33 existing Constitution of Maryland has been
34 amended over 100 times, the committee feels
35 that this is a reflection of the detailed and
36 rigid format of that Constitution and is not
37 inherently characteristic of state constitutions
38 in general.

39

40 The committee retains the draft provision
41 that ratification is effected by a majority of
42 persons voting on the question. Thought was
43 given to inserting a proviso that a minimum
44 percentage of voters must vote on a proposed
45 amendment before it would become effective.
46 This proposal was rejected because of the reali-
47 zation, based upon experience, that technical
48 amendments, no matter how imperative, might not
49 arouse the requisite public interest.

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Constitutional Convention

AMENDMENT NO. 1

~~XXXXXXXXXXXXXX~~

To Committee Recommendation No. GP-7

WINSLOW, BOROM, BOYCE, BRYSON,
BY DELEGATES BYRNES, CLARK, FOX, FREEDLANDER,
GALLAGHER, GRANT, HANSON, HOPKINS, JETT, NEEDLE,
F.C. ROBEY, K.L. ROBIE, SCHLOEDER, ULRICH, WAGANDT,
WHITE, WILLONER

- 1 On page 1 in line 6 strike out the word
2 "either";
3
4 and in line 8 strike out the word "or"
5 and insert in lieu thereof a comma;
6
7 and in line 11 strike out the period and
8 strike out the remainder of this line and
9 all of lines 12 through 15, inclusive, and
10 insert in lieu thereof the following:
11
12 ", or by a petition filed with the office
13 of the governor signed by a number of
14 qualified voters of the State equal to ten
15 percent of the total number of votes cast
16 for governor in the most recent guberna-
17 torial election, provided that not more
18 than one-fourth of such number shall be
19 voters in any one county. Any such petition
20 shall be in such form, and shall be signed
21 and circulated in such manner as shall be
22 prescribed by law. When proposed by the
23 General Assembly or by the petition of
24 the voters, the proposed amendment shall
25 be submitted to the voters of the State at
26 a special or general election as determined
27 by the General Assembly and when proposed
28 by a constitutional convention shall be
29 submitted to these voters at a special or
30 general election determined by the con-
31 vention."
32

The total

*as
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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 1 to
Com Rec GP-7

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J. ●		
James		●
Abramson		●
Adkins		●
Anderson		●
Armor		●
Bamberger		●
● Bard		
Berrick		●
Baumann		●
Beachley		●
Beall		●
● Bennett		
Blair		●
Boileau	●	
● Borom		
Bothe		●
● Boyce		
Boyer		●
● Boyles		
● Bradshaw		
● Bryson		
● Burdette		
Burgess		●
Bushong	●	
Buzzell		●
● Byrnes		
● Caldwell		
Cardin		●
Carson		●
Case		●
Chabot		●
Child		●
Cicone		●

YEAS	N-V	NAYS
● Clagett		
● Clarke, E. J.		
Cleveland		
Dabrowski		●
Darby		●
Della		●
Dorsey		●
Dukes	●	
Dulany		●
Eckenrode		●
Finch		●
Fornos	●	
● Fox		
Frederick		●
● Freedlander		
● Gallagher		
Gilchrist		●
Gill		●
● Gleason		
● Grant		
● Groh		
Grumbacher		
● Gullett		
● Hanson		
● Hardwick		
Hargrove		●
Harkness		●
Harris		●
Henderson		●
Hickman		●
● Hopkins		
● Hostetter		
● Hutchinson		
Jett		
● Johnson		
● Kahl		

YEAS	N-V	NAYS
Key		●
Kiefer	●	
Kirkland	●	
Koger		
Kosakowski		●
Koss		●
● Leitzel		
● Linton		
Lord	●	
Macdonald		●
Malkus		●
● Marion		
Mason		●
Maurer		●
● Mentzer		
Miller, B.		●
Miller, E. ●		
Mitchell		●
Morgan		●
Moser		●
Mosner		●
● Mudd		
Murphy		●
Murray, D. S.		●
Murray, E. C.		●
● Needle		
Neilson		●
Neumann		●
Smith, A. W.		●
Pascal		●
Penniman		●
Peters		●
Powers		●
Price	●	
● Pullen		
Raley		●

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
Rollins		●
Rosenstock		●
Rush		●
Rybczynski		●
Scanlan		●
● Schloeder		
● Schneider		
Sherbow		●
Sickles		●
● Siewierski		
● Singer		
Smith, J. H.		●
Smith, M. H.		●
● Sollins		
Sosnowski		●
Soul		●
Stern	●	
Storm		●
Sybert		●
Taylor, H. E.		●
Taylor, L. ●		
● Ulrich		
Vecera		●
● Wagandt		
● Webb		
● Ritter		
Weidemeyer		●
Wheatley		●
● White		
Willis		●
● Willoner		
● Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE: 1
1000	100	JAN. 2
2000	200	3
3000	300	1
4000	400	2
500	50	3
RESO.	60	4
2-R.	60	5
3-R.	70	6
QUO.	80	SEPT. 7
MOT.	90	OCT. 8
	90	NOV. 9
	00	DEC. 0

Gom. Rec GP-7

2

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

YEAS	N-V	NAYS
●President		
●Tawes		
Clark, J. ●		
●James		
●Abramson		
●Adkins		
●Anderson		
●Armor		
●Bamberger		
●Bard		
●Berrick		
●Baumann		
●Beachley		
●Beall		
●Bennett		
●Blair		
Boileau ●		
●Borom		
●Bothe		
●Boyce		
●Boyer		
●Boyles		
●Bradshaw		
●Bryson		
●Burdette		
●Burgess		
Bushong ●		
●Buzzell		
●Byrnes		
●Caldwell		
●Cardin		
●Carson		
●Case		
●Chabot		
●Child		
●Cicone		

YEAS	N-V	NAYS
●Claquett		
●Clarke, E. J.		
Cleveland		
●Dabrowski		
●Darby		
●Della		
●Dorsey		
●Dukes		
●Dulany		
●Eckenrode		
●Finch		
Fornos ●		
●Fox		
●Frederick		
●Freedlander		
●Gallagher		
●Gilchrist		
●Gill		
●Gleason		
Grant ●		
Groh ●		
Grumbacher		
●Gullett		
●Hanson		
Hardwick ●		
●Hargrove		
●Harkness		
●Harris		
●Henderson		
●Hickman		
●Hopkins		
●Hostetter		
●Hutchinson		
Jett ●		
●Johnson		
●Kahl		

YEAS	N-V	NAYS
●Key		
Kiefer	●	
●Kirkland		
●Kooger		
●Kosakowski		
●Koss		
●Leitzel		
●Linton		
●Lord		
●Macdonald		
●Malkus		
●Marion		
●Mason		
●Maurer		
●Mentzer		
●Miller, B.		
●Miller, E. ●		
●Mitchell		
●Morgan		
●Moser		
●Mosner		
●Mudd		
●Murphy		
●Murray, D. S.		
●Murray, E. C.		
●Needle		
●Neilson		
●Neumann		
●Smith, A. W.		
●Pascal		
●Penniman		
●Peters		
●Powers		
Price ●		
●Pullen		
●Raley		

YEAS	N-V	NAYS
●Robey, F. C.		
●Robie, K. L.		
●Rollins		
●Rosenstock		
●Rush		
●Rybaczynski		
●Scanlan		
●Schloeder		
●Schneider		
●Sherbow		
●Sickles		
●Siewierski		
●Singer		
●Smith, J. H.		
●Smith, M. H.		
●Sollins		
●Sosnowski		
●Soul		
Stern ●		
●Storm		
●Sybert		
●Taylor, H. E.		
●Taylor, L.		
●Ulrich		
●Vecera		
●Wagandt		
●Webb		
●Ritter		
●Weidemeyer		
●Wheatley		
●White		
●Willis		
●Willoner		
●Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	● 0 0 ●
1 1	● 1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4 ●	4 4
5 5	5 5	5 5
6 6	6 6	6 6
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8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100 10 1	JAN. 2 ●
2000	200 20 2	3
3000	300 30 3	1
4000	400 40 4	2
	500 50 5	3
RESO.	600 60 6	4
2-R.	700 70 7	5
3-R.	800 80 8	6
QUO.	900 90 9	SEPT. 7
MOT.	000 00 0	OCT. 8
		NOV. 9
		DEC. 0

for second reading
see
S.D.-17 *Jack 114 A*
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Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-8

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 9 and 390.

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on constitutional convention
3 to read as follows:

4
5 The General Assembly may by law call a
6 constitutional convention at any time or may
7 at any time submit to the voters of the State
8 the question of calling a constitutional con-
9 vention. If the question of calling a conven-
10 tion shall not have been submitted to the
11 voters of the State for a period of twenty-
12 five years, then it shall be submitted at the
13 next general election. A convention shall be
14 held within one year after a majority of those
15 voting on the question approve the calling of
16 a convention. Within sixty days after such
17 approval, the governor shall appoint a com-
18 mission to prepare for the convention. At
19 its next regular session following such
20 approval, the General Assembly shall provide
21 by law for the assembling of the convention,
22 the election of delegates, the filling of
23 vacancies in the position of delegate, and the
24 appropriation of sufficient funds for the work

two years
G
not later
than the
annual



1 of the convention. The convention shall
2 adopt its own rules of procedure. Any
3 proposal recommended by the convention
4 for changing the constitution shall be
5 submitted to the voters of the State for
6 adoption, and shall be effective only if
7 approved by the affirmative vote of a
8 majority of those voting thereon.

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-8

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

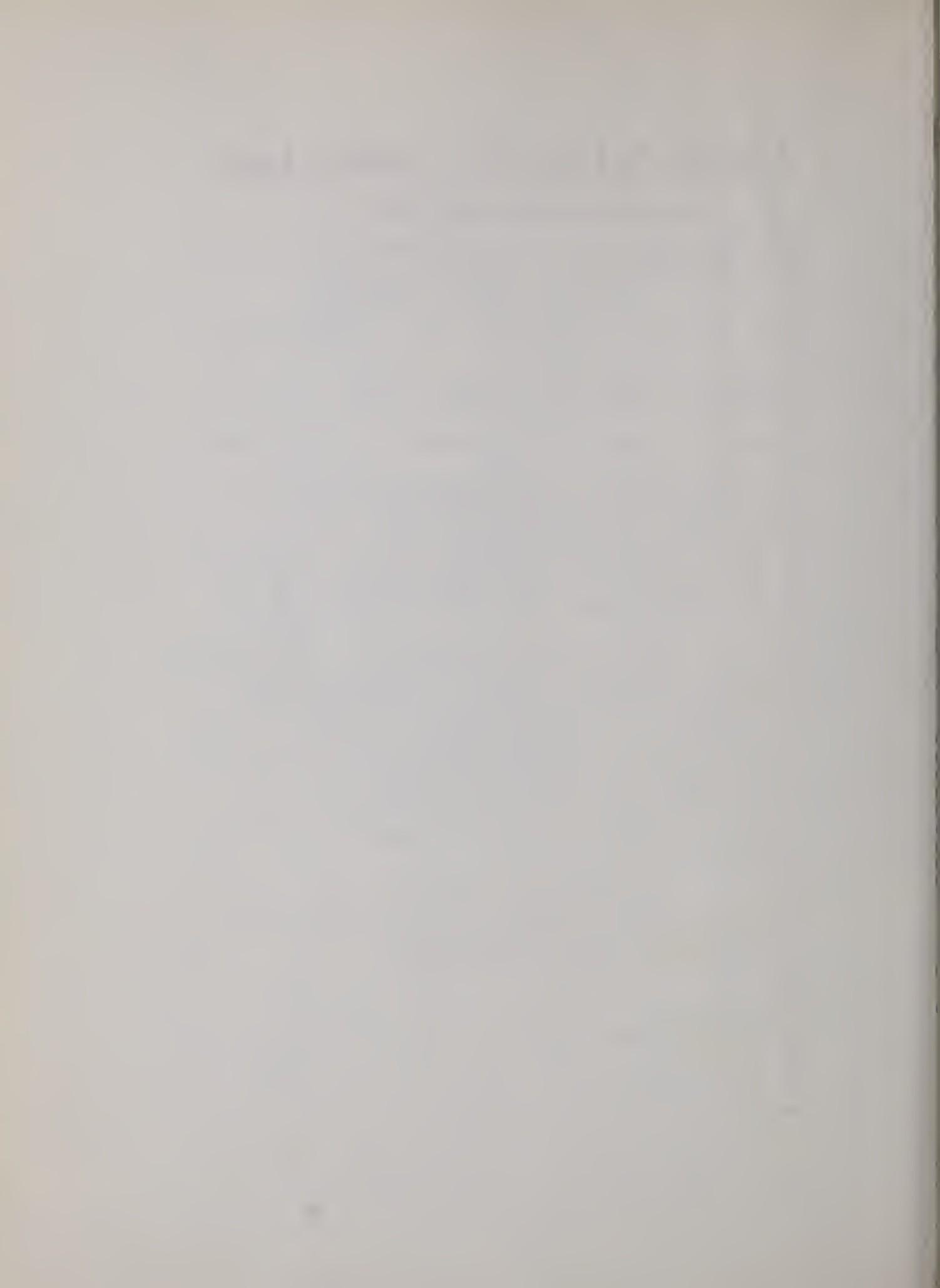
November 17 , 1967.

In support of Committee Recommendation No. GP-8.

1 The recommended language follows that of
2 Section 9.02 of the Commission's draft with
3 the sole exception that the committee's pro-
4 posal would require a mandatory submission to
5 the voters of the question whether or not a
6 convention should be called only every twenty-
7 five years rather than every twenty years.
8

9 The committee recognizes that the right to
10 call a constitutional convention is a funda-
11 mental safeguard. However, a high degree of
12 permanence is an essential attribute of any
13 constitution. The committee feels that a
14 constitution which internally provides for
15 flexibility by granting broad discretion to
16 standing government should not require a
17 thorough overhauling except to reflect the
18 most fundamental changes in the philosophy
19 of government.
20

21 The committee feels that the proposed sec-
22 tion properly provides for a workable method
23 of convening a constitutional convention in
24 the light of recent experiences.
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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Com Rec GP-8

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J.		
James	●	
Abrams	●	
● Adkins		
● Anderson		
● Armor		
● Bamberger		
● Bard		
● Barrick		
Baumann	●	
● Beachley		
● Beall		
● Bennett		
● Blair		
● Boileau		
● Borom		
● Bothe		
Boyce	●	
● Boyer		
● Boyles		
● Bradshaw		
● Bryson		
● Burdette		
Burgess	●	
Bushong	●	
● Buzzell		
● Byrnes		
● Caldwell		
● Cardin		
● Carson		
● Case		
● Chabot		
● Child		
● Cicone		

YEAS	N-V	NAYS
● Clagett		
Clarke, E.J.		
Cleveland	●	
● Dabrowski		
● Darby		
Della	●	
● Dorsey		
Dukes	●	
Dulany	●	
● Eckenrode		
● Finch		
● Fornos		
● Fox		
● Frederick		
● Freedlander		
Gallagher	●	
● Gilchrist		
Gill		
● Gleason		
● Grant		
● Groh		
● Grumbacher		
Gullett	●	
● Hanson		
Hardwick		
● Hargrove		
● Harkness		
Harris		
● Henderson		
Hickman		
● Hopkins		
● Hostetter		
● Hutchinson		
Jett	●	
Johnson		●
● Kahl		

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland		
● Koger		
● Kosakowski		
Koss		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus	●	
● Marion		
● Mason		
● Maurer		
● Mentzer		
● Miller, B.		
Miller, E.	●	
● Mitchell		
● Morgan		
Moser	●	
● Mosner		
● Mudd		
● Murphy		
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
● Peters		
● Powers		
Price	●	
● Pullen		
● Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
Rollins		
● Rosenstock		
Rush		●
● Rybczynski		
● Scanlan		
Schloeder		
● Schneider		
● Sherbow		
Sickles		
Siewierski		
● Singer		
● Smith, J. H.		
● Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm		
● Sybert		
Taylor, H. E.		
Taylor, L.		
Ulrich		
Vecera	●	
● Wagandt		
Webb		
● Ritter		
Weidemeyer		
● Wheatley		
● White		
● Willis		
● Willoner		
● Winslow		

YEAS	N-V	NAYS
● 100-200	100-200	100-200
0 0	0 0	● 0 0
● 1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 2 3
2000	200	2
3000	300	2
4000	400	3
	500	4
RESO.	600	5
2-R.	700	6
3-R.	800	SEPT. 7
QUO.	900	OCT. 8
MOT.	000	NOV. 9
		DEC. 0



Constitutional Convention

AMENDMENT NO. 1

XXXXXX

To Committee Recommendation No. GP-8

BY DELEGATES NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in line 5 after the word "Assembly"
2 add the following words: "or the governor".

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W.H.

26-A

JZN



(4)

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 1 to

GP-8

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J.		●
James		●
Abramsoo		●
Adkins		●
Anderson		●
Armor		●
•Bamberger		
Bard		
Barrick		●
Baumann		●
Beachley		●
Beall	●	
•Bennett		
Blair		●
Boileau		●
Borom	●	
Bothe		●
Boyce		●
Boyer		●
Boyles	●	
Bradshaw		●
Bryson		●
Burdette		●
•Burgess		
Bushong	●	
Buzzell		●
Byrnes		●
Caldwell		●
•Cardin		
Carson		●
Case		●
•Chabot		
Child		●
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E.J.		
Cleveland		
Dabrowski		●
Darby		●
Della		●
Dorsey		●
Dukes	●	
Dulany		●
Eckenrode		●
Finch	●	
•Fornos		
Fox		●
Frederick		
•Freedlander		
Gallagher		
Gilchrist		●
Gill		●
Gleason		●
Grant	●	
Groh		●
Grumbacher		●
Gullett		●
Hanson		●
•Hardwicke		
Hargrove		●
Harkness		●
Harris		●
Henderson		●
Hickman		●
•Hopkins		
Hostetter		●
Hutchinson		
Jett	●	
Johnson		●
Kahl		●

YEAS	N-V	NAYS
Key		●
Kiefer	●	
Kirkland	●	
Koger		●
Kosakowski		●
•Koss		
Leitzel		●
Linton		●
Lord		●
•Macdonald		
Malkus	●	
•Marion		
Mason		●
Maurer	●	
•Mentzer		
•Miller, B.		
Miller, E.	●	
•Mitchell		
•Morgan		
Moser	●	
Mosner		●
•Mudd		
Murphy		●
Murray, D. S.		●
Murray, E. C.		●
•Needle		
Neilson		●
Neumann		
Smith, A. W.		
Pascal	●	
Penniman		●
Peters		●
Powers		●
Price	●	
Pullen		●
Raley		●

YEAS	N-V	NAYS
Robey, F.C.		
Robie, K. L.		●
Rollins		●
Rosenstock		●
Rush		●
Rybaczynski		●
Scanlan		●
•Schloeder		
Schneider		●
Sherbow		●
•Sickles		
•Siewierski		
Singer		●
Smith, J. H.		●
Smith, M. H.		●
Sollins	●	
Sosnowski		
Soul	●	
Stern		●
Storm		●
Sybert		●
Taylor, H.E.		
•Taylor, L.		
•Ulrich		
Vecera	●	
Wagandt		
Webb		●
Ritter		
Weidemeyer		●
Wheatley		●
•White		
Willis		
•Willoner		
Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

DEL. PRO.	COM. REC.
1000	100
2000	200
3000	300
4000	400
	500
RESO.	600
2-R.	700
3-R.	800
QUO.	900
MOT.	000

DATE: 1	2
JAN.	
100	3
101	1
102	2
103	3
104	4
105	5
106	6
107	7
108	8
109	9
110	0
SEPT.	7
OCT.	8
NOV.	9
DEC.	0

C

Constitutional Convention

AMENDMENT NO. 2

~~XXXXXXXXXXXXXX~~

To Committee Recommendation No. GP-8

BY DELEGATE S NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in line 5 strike out the words
2 "by law".

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CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

Amend 2 to
GP-8

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J.	●	
James		●
Abrams	●	
Adkins		●
Anderson		●
Armor		●
Bamberger		●
Bard		●
Berrick		●
Baumann	●	
Beachley		●
Beall	●	
Bennett		●
Blair		●
Boileau	●	
Borom	●	
Bothe		●
Boyce		●
Boyer		●
Boyles		●
Bradshaw		●
Bryson		●
Burdette		●
Burgess		●
Bushong	●	
Buzzell		●
Byrnes		●
Caldwell		●
Cardin		●
Carson		●
Case		●
Chabot		●
Child		●
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E.J.		
Cleveland	●	
Dabrowski		●
Darby		●
Della		●
Dorsey		●
Dukes	●	
Dulany		●
Eckenrode		●
Finch		●
●Fornos		
Fox		●
Frederick		●
●Freedlander		
Gallagher		●
Gilchrist		●
Gill		●
Gleason		●
Grant	●	
●Groh		
●Grumbacher		
●Gullett		
Hanson		●
●Hardwicke		
Hargrove		●
Harkness		●
Harris		●
Henderson		●
Hickman		●
●Hopkins		
Hostetter		●
Hutchinson		●
Jett	●	
Johnson		●
Kahl		●

YEAS	N-V	NAYS
Key		●
Kiefer	●	
Kirkland	●	
●Koger		
Kosakowski		●
Koss	●	
Leitzel		●
Linton		●
Lord		●
Macdonald		●
Malkus	●	
●Marion		
Mason		●
Maurer	●	
Mentzer		●
Miller, B.	●	
Miller, E.	●	
●Mitchell		
●Morgan		
Moser	●	
Mosner		●
Mudd		●
Murphy		●
Murray, D. S.		●
Murray, E. C.		●
●Needle		
Neilson		●
Neumann		●
Smith, A. W.		●
Pascal	●	
Penniman		●
Peters		●
Powers		●
Price	●	
Pullen		●
Raley		●

YEAS	N-V	NAYS
Robey, F.C.		●
Robie, K. L.		●
Rollins		●
Rosenstock		●
Rush		●
Rybaczynski		●
Scanlan		●
●Schloeder		
Schneider		●
Sherbow		●
●Sickles		
Siewierski		●
●Singer		
Smith, J. H.		●
Smith, M. H.		●
●Sollins		
Sosnowski	●	
Soul		●
Stern		●
Storm		●
Sybert		●
Taylor, H.E.		●
Taylor, L.		●
Ulrich		●
Vecera	●	
Wagandt		●
Webb		●
Ritter		●
Weidemeyer		●
Wheatley		●
White		●
Willis		●
●Willoner		
Winslow		●

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 1
2000	200 2
3000	300 3
4000	400 4
	500 5
RESO.	600 6
2-R.	700 7
3-R.	800 8
QUO.	900 9
MOT.	000 0

DATE:	1
JAN.	2
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SEPT.	7
OCT.	8
NOV.	9
DEC.	0



Constitutional Convention

AMENDMENT NO. 3

To Committee Recommendation No. GP-8

BY DELEGATES NEEDLE, HARDWICKE, SOLLINS

- 1 On page 1 in line 9 after the period add
2 this new sentence: "If a petition, signed
3 by a number of qualified voters of the State
4 equal to ten per cent of the total number of
5 votes cast for governor in the most recent
6 gubernatorial election, provided that not
7 more than one fourth of such number shall be
8 voters in any one county, is filed with the
9 office of governor to refer to the voters
10 the question of calling a constitutional
11 convention, the question shall be submitted
12 to a vote at the next general election."

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend. 3 to

Com. Rec. GP-8

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J.		●
James		●
Abrams		●
Adkins		●
Anderson		●
Armor		●
Bamberger		●
Bard		●
Barrick		●
Baumann		●
Beachley		●
Beall	●	●
Bennett		●
Blair		●
Boileau		●
Borom		●
Bothe		●
Boyce		●
Boyer		●
Boyles		●
Bradshaw		●
Bryson		●
Burdette		●
Burgess		●
Bushong	●	●
Buzzell		●
Byrnes		●
Caldwell		●
Cardin		●
Carson		●
Case		●
Chabot		●
Child		●
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E. J.		●
Cleveland		●
Dabrowski		●
Darby		●
Della		●
Dorsey		●
Dukes	●	●
Dulany		●
Eckenrode		●
Finch		●
Fornos		●
Fox		●
Frederick		●
Freedlander		●
Gallagher		●
Gilchrist		●
Gill		●
Gleason		●
Grant		●
Groh		●
Grumbacher		●
Gullett		●
Hanson		●
Hardwicke		●
Hargrove		●
Harkness		●
Harris		●
Henderson		●
Hickman		●
Hopkins		●
Hostetter		●
Hutchinson		●
Jett	●	●
Johnson	●	●
Kahl		●

YEAS	N-V	NAYS
Key		●
Kiefer		●
Kirkland	●	●
Koger		●
Kosakowski		●
Koss		●
Leitzel		●
Linton		●
Lord		●
Macdonald		●
Malkus	●	●
Marion		●
Mason		●
Maurer		●
Mentzer		●
Miller, B.		●
Miller, E. T.		●
Mitchell		●
Morgan		●
Moser	●	●
Mosner		●
Mudd		●
Murphy		●
Murray, D. S.		●
Murray, E. C.		●
Needle		●
Neilson		●
Neumann		●
Smith, A. W.		●
Pascal	●	●
Penniman		●
Peters		●
Powers		●
Price	●	●
Pullen		●
Raley		●

YEAS	N-V	NAYS
Robey, F. C.		●
Robie, K. L.		●
Rollins		●
Rosenstock		●
Rush		●
Rybczynski		●
Scanlan		●
Schloeder		●
Schneider		●
Sherbow		●
Sickles		●
Siewierski		●
Singer		●
Smith, J. H.		●
Smith, M. H.		●
Sollins		●
Sosnowski		●
Soul		●
Stern		●
Storm		●
Sybert		●
Taylor, H. E.		●
Taylor, L.		●
Ulrich		●
Vecera		●
Wagandt		●
Webb		●
Ritter	●	●
Weidemeyer		●
Wheatley		●
White		●
Willis		●
Willoner		●
Winslow		●

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DATE:	1	2	3	4	5	6	SEPT. 7	OCT. 8	NOV. 9	DEC. 0
DEL. PRO.	1000	100	10	1						
	2000	200	20	2						
	3000	300	30	3						
	4000	400	40	4						
	500	50	5							
RESO.	600	60	6							
2-R.	700	70	7							
3-R.	800	80	8							
QUO.	900	90	9							
MOT.	000	00	0							



Constitutional Convention

AMENDMENT NO. 4

XDX XXXX&XXXXXX&XXXX

To Committee Recommendation No. GP-8

BY DELEGATES NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in lines 11 and 12 strike out the
2 following: "twenty-five" and insert in lieu
3 thereof the word "twenty".

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2

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend. 4 to
Com. Rec. GP-8

YEAS	N-V	NAYS
President		
Tawes		●
Clark, J.	●	
James		●
Abrams		
● Adkins		
Anderson		●
Armor	●	
● Bamberger		
Bard		
Barrick		●
Baumann	●	
Beachley		●
Beall		●
● Bennett		
Blair		●
● Boileau		
● Borom		
● Bothe		
Boyce		●
Boyer		●
Boyles		●
● Bradshaw		
Bryson		
Burdette		
Burgess		
Bushong	●	
Buzzell		●
● Byrnes		
Caldwell		●
● Cardin		
Carson		●
● Case		
Chabot		
Child		
● Cicone		

YEAS	N-V	NAYS
Clagett		
Clarke, E. J.		●
Cleveland		
Dabrowski		●
Darby		●
Della		●
Dorsey		●
Dukes		●
● Dulany		
Eckenrode		●
Finch		●
● Fornos		
● Fox		
Frederick		●
● Freedlander		
Gallaghe		
Gilchrist		●
Gill		●
● Gleason		
● Grant		
● Groh		
● Grumbacher		
● Gullett		
● Hanson		
● Hardwicke		
● Hargrove		
Harkness		●
● Harris		
Henderson		●
Hickman		●
Hopkins		●
Hostetter		●
● Hutchinson		
Jett	●	
Johnson		●
Kahl		●

YEAS	N-V	NAYS
Key		●
● Kiefer		
Kirkland		●
● Koger		
● Kosakowski		
Koss		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus	●	
● Marion		
● Mason		
● Maurer		
● Mentzer		
● Miller, B.		
● Miller, E. T.		
● Mitchell		
● Morgan		
Moser	●	
● Mosner		
Mudd		●
Murphy		●
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
Peters		●
Powers		●
Price	●	
Pullen	●	
Raley		●

YEAS	N-V	NAYS
Robey, F. C.		
● Robie, K. L.		
● Rollins		
Rosenstock		
Rush		●
Rybaczynski		●
● Scanlan		
● Schloeder		
Schneider		
● Sherbow		
● Sickles		
Siewierski		●
● Singer		
● Smith, J. H.		
Smith, M. H.		●
● Sollins		
Sosnowski		
Soul		
Stern		
Storm		
Sybert		
Taylor, H. E.		
● Taylor, L.		
● Ulrich		
Vecera		
● Wagandt		
Webb		
Ritter		
Weidemeyer		
Wheatley		
● White		
Willis		
● Willoner		
● Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 1
2000	200	2 3
3000	300	1 1
4000	400	2 2
500	50	3 3
RESO.	60	4 4
2-R.	70	5 5
3-R.	80	6 6
QUO.	90	7 7
MOT.	00	SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

F

Constitutional Convention

AMENDMENT NO. 5

XXXXXX&XXXXXX&XXXXXX

To Committee Recommendation No. GP-8

BY DELEGATES NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in line 13 after the period add
2 the following new sentence: "In any event,
3 there shall be a constitutional convention
4 fifty years from the effective date of this
5 constitution, unless the ~~governor~~, General
6 Assembly ~~or the voters of the State calls~~
7 a constitutional convention at any time
8 prior to then."

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1900-1901

1901-1902

1902-1903

1903-1904

1904-1905

1905-1906

1906-1907

1907-1908

1908-1909

1909-1910

1910-1911

1911-1912

1912-1913

1913-1914

1914-1915

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

Amend 5 + 0

Com Rec GP-8

23

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett		●	Key		●	Robey, F. C.		●
Tawes		●	Clarke, E. J.		●	Kiefer		●	Robie, K. L.		●
Clark, J. ●			Cleveland		●	Kirkland		●	Rollins		●
James		●	Dabrowski		●	Koger		●	Rosenstock		●
Abramson		●	Darby		●	Kosakowski		●	Rush		●
Adkins		●	Della		●	Koss		●	Rybczynski		●
Anderson		●	Dorsey		●	Leitzel		●	Scanlan		●
Armor		●	Dukes		●	Linton		●	Schloeder		●
Bamberger		●	Dulany		●	Lord		●	Schneider		●
Bard		●	Eckenrode		●	Macdonald		●	Sherbow		●
Barrick		●	Finch		●	Malkus	●	●	Sickles		●
Baumann		●	Fornos	●		Marion		●	Siewierski		●
Beachley		●	Fox		●	Mason		●	Singer		●
Beall		●	Frederick		●	Maurer		●	Smith, J. H.		●
Bennett		●	Freedlander		●	Mentzer		●	Smith, M. H.		●
Blair		●	Gallagher		●	Miller, B.		●	Sollins		●
Boileau		●	Gilchrist		●	Miller, E. T.		●	Sosnowski		●
Borom	●		Gill		●	Mitchell		●	Soul		●
Bothe		●	Gleason		●	Morgan		●	Stern		●
Boyce		●	Grant		●	Moser	●	●	Storm		●
Boyer		●	Groh		●	Mosner		●	Sybret		●
Boyles		●	● Grumbacher			Mudd		●	Taylor, H. E.		●
Bradshaw		●	Gullett		●	Murphy		●	Taylor, L.		●
Bryson		●	Hanson		●	Murray, D. S.		●	Ulrich		●
Burdette		●	● Hardwicke			Murray, E. C.		●	Vecera		●
Burgess		●	Hargrove		●	● Needle		●	Wagandt		●
Bushong	●		Harkness		●	Neilson		●	Webb		●
Buzzell		●	Harris		●	Neumann		●	Ritter		●
● Byrnes			Henderson		●	Smith, A. W.		●	Weidemeyer		●
Caldwell		●	Hickman		●	Pascal	●	●	Wheatley		●
● Cardin			Hopkins		●	Penniman		●	White		●
Carson		●	Hostetter		●	Peters		●	Willis		●
Case		●	Hutchinson		●	Powers		●	Willoner		●
Chabot		●	Jett	●	●	Price	●	●	Winslow		●
Child		●	Johnson		●	Pullen		●			
Cicone		●	Kahl		●	Raley		●			

YEAS	N-V	NAYS
100-200	100-200	● 100-200
0 0	0 0	● 0 0
1 1	● 1 1	● 1 1
2 2	● 2 2	● 2 2
3 3	● 3 3	● 3 3
4 4	● 4 4	● 4 4
5 5	● 5 5	● 5 5
6 6	● 6 6	● 6 6
7 7	● 7 7	● 7 7
8 8	● 8 8	● 8 8
9 9	● 9 9	● 9 9

DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 2 3
2000	200	2
3000	300	2
4000	400	3
500	50	4
RESO.	60	5
2-R.	70	6
3-R.	80	7
QUO.	90	8
MOT.	00	9
	00	10 NOV. 9
	00	11 DEC. 0

SEPT. 7

OCT. 8

NOV. 9



Constitutional Convention

AMENDMENT NO. 6

~~Text Amendment No. XXXXXXXX~~

To Committee Recommendation No. GP-8

BY DELEGATE S NEEDLE, HARDWICKE, SOLLINS

- 1 On page 1 in line 14 strike out the words
2 "one year" and insert in lieu thereof the
3 following words: "two years".
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Fawcett
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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 6 to
Com. Rec. GP-8

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key		● Robey, F. C.
● Tawes			● Clarke, E. J.			● Kiefer		● Robie, K. L.
Clark, J. ●			● Cleveland			● Kirkland		● Rollins
● James			● Dabrowski			● Koger		● Rosenstock
● Abramson			● Darby		●	● Kosakowski		● Rush
● Adkins			Della		●	● Koss		● Rybczynski
● Anderson			Dorsey		●	● Leitzel		● Scanlan
● Armor			Dukes	●		● Linton		● Schloeder
● Bamberger			Dulany	●		● Lord		● Schneider
● Bard			Eckenrode		●	● Macdonald		● Sherbow
● Barrick			● Finch			● Malkus	●	● Sickles
● Baumann			● Fornos			● Marion		● Siewierski
● Beachley			● Fox			● Mason		● Singer
● Beall		●	● Frederick			● Maurer		● Smith, J. H.
● Bennett			● Freedlander			● Mentzer		● Smith, M. H.
● Blair			Gallagher			● Miller, B.		● Sollins
● Boileau			● Gilchrist			● Miller, E. ●		● Sosnowski
● Borom			● Gill			● Mitchell		Soul
● Bothe			● Gleason		●	● Morgan		Stern
● Boyce	●		● Grant			● Moser		● Storm
● Boyer			● Groh			● Mosner		● Sybert
● Boyles			● Grumbacher			● Mudd		● Taylor, H. E.
● Bradshaw			Gullett	●		● Murphy		● Taylor, L.
● Bryson	●		● Hanson			● Murray, D. S.		● Ulrich
● Burdette			● Hardwick			● Murray, E. C.		Vecera
● Burgess			● Hargrove			● Needle		Wagand
● Bushong	●		● Harkness			● Neilson		Webb
● Buzzell			● Harris			● Neumann		Ritter
● Byrnes			● Henderson			● Smith, A. W.		● Weidemeyer
● Caldwell		●	● Hickman			● Pascal	●	Wheatley
● Cardin			● Hopkins			● Penniman		● White
● Carson			● Hostetter			● Peters		● Willis
● Case			Hutchinson		●	● Powers		● Willoner
● Chabot			Jett	●		● Price		● Winslow
● Child			● Johnson			● Pullen		
● Cicone			● Kahl			● Raley		

YEAS	N-V	NAYS
● 100-200	100-200	100-200
● 0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
500	50 5
RESO.	600 6
2-R.	700 7
3-R.	800 8
QUO.	900 90 9
MOT.	000 00 0

DATE:	1	2
JAN.	2	3
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		4
		5
		6
SEPT.	7	
OCT.	8	
NOV.	9	
DEC.	0	



Constitutional Convention

AMENDMENT NO. 7

~~AMENDMENT NO. 7~~

To Committee Recommendation No. GP-8

BY DELEGATE JAMES

1 On page 1 in line 19 strike out the words
2 "its next" and insert in lieu thereof the
3 following words:

4 "not later than the second".
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1. *Leucostoma* (L.) *leucostoma*

2. *Leucostoma* (L.) *leucostoma*

3. *Leucostoma* (L.) *leucostoma*

4. *Leucostoma* (L.) *leucostoma*

5. *Leucostoma* (L.) *leucostoma*

6. *Leucostoma* (L.) *leucostoma*

7. *Leucostoma* (L.) *leucostoma*

8. *Leucostoma* (L.) *leucostoma*

9. *Leucostoma* (L.) *leucostoma*

10. *Leucostoma* (L.) *leucostoma*

11. *Leucostoma* (L.) *leucostoma*

12. *Leucostoma* (L.) *leucostoma*

13. *Leucostoma* (L.) *leucostoma*

14. *Leucostoma* (L.) *leucostoma*

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 7 to
GP-8

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J.		
James	●	
● Abramson		
● Adkins		
● Anderson		
● Armor		
● Bamberger		
● Bard		
● Barrick		
Baumann		
● Beachley		
● Beall		
● Bennett		
● Blair		
● Boileau		
● Borom		
● Bothe		
Boyce	●	
● Boyer		
● Boyles		
● Bradshaw		
● Bryson		
● Burdette		
● Burgess		
Bushong	●	
● Buzzell		
● Byrnes		
● Caldwell		
● Cardin		
● Carson		
● Case		
● Chabot		
● Child		
● Ciccone		

YEAS	N-V	NAYS
● Clagett		
Clarke, E.J.		
Cleveland		
● Dabrowski		
● Darby		
Della	●	
● Dorsey		
● Dukes		
Dulany	●	
● Eckenrode		
● Finch		
● Fornos		
● Fox		
● Frederick		
● Freedlander		
Gallagh	●	
● Gilchrist		
Gill		
● Gleason		
● Grant		
● Groh		
● Grumbacher		
Gullett	●	
● Hanson		
● Hardwick		
● Hargrove		
● Harkness		
● Harris		
● Henderson		
● Hickman		
● Hopkins		
● Hostetter		
● Hutchinson		
Jett	●	
● Johnson		
Kahl		

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland		
● Koger		
● Kosakowski		
Koss		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus	●	
● Marion		
● Mason		
● Maurer		
● Mentzer		
● Miller, B.		
Miller, E.	●	
● Mitchell		
● Morgan		
Moser	●	
● Mosner		
● Mudd		
Murphy	●	
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
Peters		
● Powers		
Price	●	
● Pullen		
Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
● Rollins		
● Rosenstock		
● Rush		
● Rybczynski		
● Scanlan		
● Schloeder		
● Schneider		
● Sherbow		
● Sickles		
● Siewierski		
● Singer		
● Smith, J. H.		
● Smith, M. H.		
● Sollins		
Sosnowski		
● Soul		
● Stern		
● Storm		
● Sybert		
● Taylor, H. E.		
● Taylor, L.		
● Ulrich		
● Vecera		
● Wagandt		
● Webb		
● Ritter		
● Weidemeyer		
● Wheatley		
● White		
● Willis		
● Willoner		
● Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0	0	●
1	1	
2	2	●
3	3	
4	4	
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DEL. PRO.	COM. REC.	DATE:
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2000	200	3
3000	300	1
4000	400	2
500	50	3
RESO.	60	4
2-R.	70	5
3-R.	80	6
QUO.	90	7
MOT.	00	8
		SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

2

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend P to
GP-8

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key	●	
● Tawes			● Clarke, E. J.			● Kiefer		
● Clark, J.			● Cleveland			● Kirkland		
● James			● Dabrowski			● Koger		
● Abramsoo			● Darby			● Kosakowski		
● Adkins	●		● Della	●		● Koss		
● Anderson			● Dorsey			● Leitzel		
● Armor			● Dukes			● Linton		
● Bamberger			● Dulany	●		● Lord		
● Bard			● Eckenrode			● Macdonald		
● Barrick			● Finch			● Malkus	●	
● Baumann			● Fornos			● Marion		
● Beachley			● Fox			● Mason		
● Beall			● Frederick			● Mauret		
● Bennett			● Freedlander			● Mentzer		
● Blair			● Gallaghe			● Miller, B.		
● Boileau			● Gilchrist			● Miller, E. ●		
● Borom			● Gill			● Mitchell		
● Bothe			● Gleason			● Morgan		
● Boyce	●		● Grant			● Moser	●	
● Boyer	●		● Groh			● Mudd		
● Boyles			● Grumbacher			● Murphy		
● Bradshaw			● Gullett	●		● Murray, D. S.		
● Bryson			● Hanson			● Murray, E. C.		
● Burdette			● Hardwick			● Needle		
● Burgess			● Hargrove			● Neilson		
● Bushong	●		● Harkness			● Neumann		
● Buzzell			● Harris			● Smith, A. W.		
● Byrnes			● Henderson			● Pascal	●	
● Caldwell			● Hickman			● Penniman		
● Cardin			● Hopkins			● Peters		
● Carson			● Hostetter			● Powers		
● Case			● Hutchinson			● Price	●	
● Chabot	●		● Jett	●		● Pullen		
● Child			● Johnson			● Raley		
● Cicone			● Kahl					

YEAS	N-V	NAYS
● 100-200	100-200	100-200
● 0 0	0 0	● 0 0 ●
● 1 1	1 1	● 1 1
● 2 2	2 2	2 2
● 3 3	3 3	3 3
● 4 4	4 4	4 4
● 5 5	5 5	5 5
● 6 6	6 6	6 6
● 7 7	7 7	7 7
● 8 8	8 8	8 8
● 9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
500	50 5
RESO.	600 60 6
2-R.	700 70 7
3-R.	800 80 8
QUO.	900 90 9
MOT.	000 00 0

DATE:	1	2	3
JAN.	1	2	3
SEPT.	7		
OCT.	8		
NOV.	9		
DEC.	0		



H

Constitutional Convention

AMENDMENT NO. 8

To ~~Amendment XXXXXXXX~~

To Committee Recommendation No. GP-8

BY DELEGATE S NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in line 16 after the word
2 "convention" insert the following words:
3 "or within two years after the governor
4 ~~or~~ General Assembly calls a convention".
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1920-1921

1921-1922

Constitutional Convention

AMENDMENT NO. 9

To Amendment No. _____

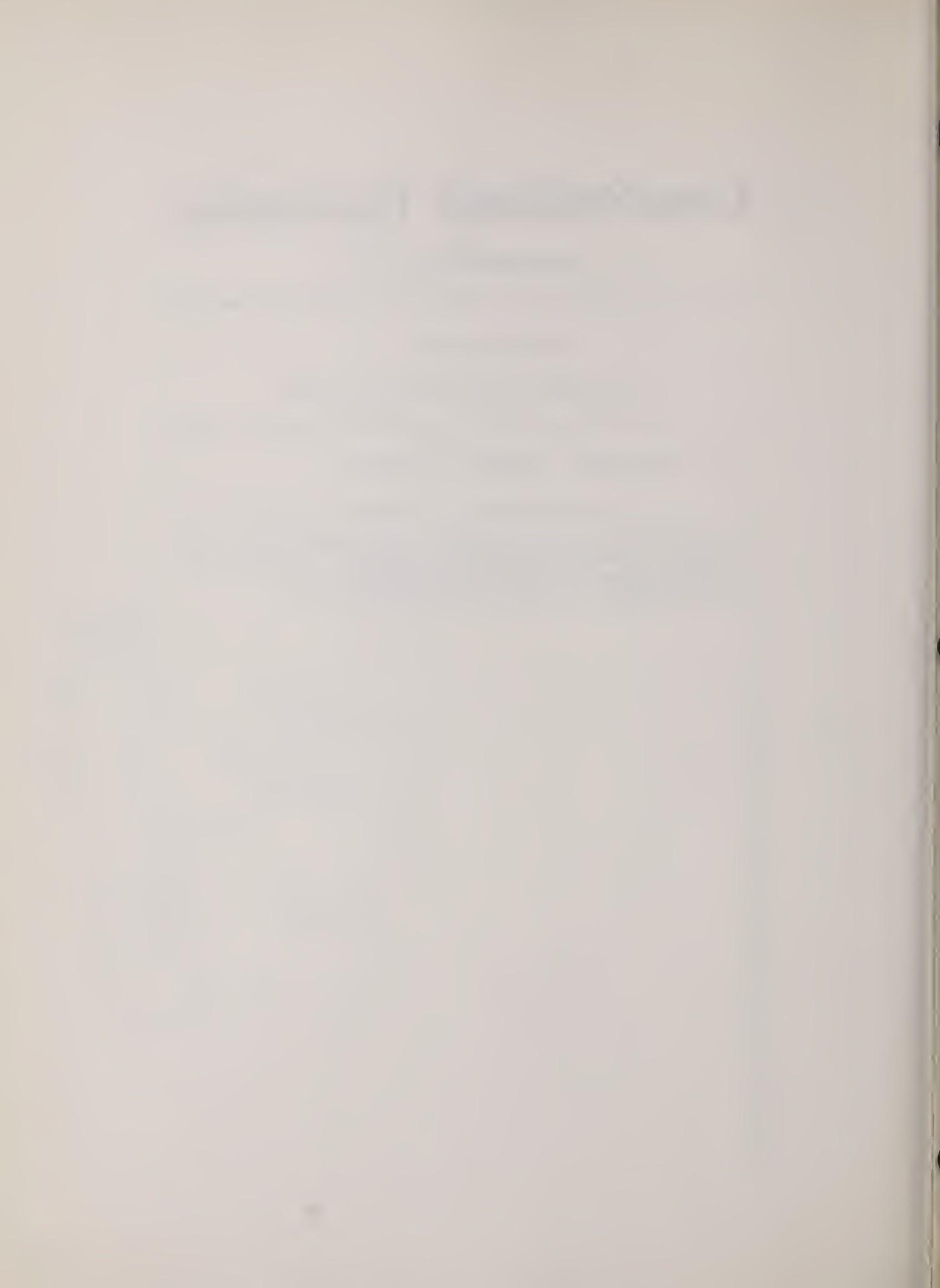
To Committee Recommendation No. GP-8

BY DELEGATES CARSON, SCANLAN

1 On pages 1 and 2 strike out everything
2 beginning with the word "Within" in line 16 on
3 page 1 down to and including the word
4 "procedure." in line 2 on page 2.
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Send 84-N

Ans
Unf
30-A
92-N



Constitutional Convention

AMENDMENT NO. 9A

To ~~XXXXXX~~ XXXXXXXX XXXXXXXXXX

To Committee Recommendation No. GP-8

BY DELEGATES NEEDLE, HARDWICKE, AND SOLLINS

1 1. In line 5 of page 1, after the word
2 "Assembly" insert "or the Governor".
3

4 2. In line 5 of page 1, strike out the
5 words "by law".
6

7 3. In line 9 of page 1, after the period,
8 insert the following new sentence: "Also, if a
9 petition, signed by a number of qualified voters
10 of the State equal to ten percent of the total
11 number of votes cast for Governor in the most
12 recent gubernatorial election, provided that
13 not more than one fourth of such number shall
14 be voters in any one county, is filed with the
15 office of the Governor to refer to the voters
16 the question of calling a constitutional
17 convention, the question shall be submitted to
18 a vote at the next general election".
19

20 4. In line 11 of page 1, strike out the
21 hyphen, and in line 12 strike out the word
22 "five".
23

24 5. In line 13 of page 1, after the period,
25 insert the following sentence: "In any event,
26 there shall be a constitutional convention fifty
27 years from the effective date of this Constitution,
28 unless the Governor, General Assembly or the
29 voters of the State call a constitutional convention
30 at any time prior to then."
31

32 6. In line 14 of page 1, strike out the words

1 "one year" and insert in lieu thereof the words
2 "two years".
3

4 7. In line 16 of page 1, after the word
5 "convention", insert the words "or within two
6 years after the Governor or General Assembly
7 calls a convention".
8

9 8. In line 17 of page 1, after the word
10 "approval", insert the words "by the voters
11 or within sixty days after the Governor or
12 General Assembly calls a convention", and in
13 line 20 of page 1, after the word "approval",
14 insert the words "by the voters, or the calling
15 of a convention by the Governor or General
16 Assembly".
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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 9 a
to GP-8

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J.		
● James		
Abrams		
● Adkins		
Anderson		●
Armor		●
● Bamberger		●
Bard		
● Barrick		
Baumann		
Beachley		●
Beall		●
Bennett		●
● Blair		
● Boileau		
● Borom		
Bothe		●
Boyce	●	
Boyer		●
Boyles		●
Bradshaw		●
Bryson		●
Burdette		●
● Burgess		
Bushong	●	
Buzzell		●
Byrnes		●
Caldwell		●
● Cardin		
● Carson		
● Case		
● Chabot		
Child		●
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E. J.		
Cleveland		●
Dabrowski		●
Darby		●
Della	●	
Dorsey		●
● Dukes		
Dulany	●	
Eckenrode		●
Finch		●
Fornos		●
Fox		●
Frederick		●
Freedlander		●
Gallagher		
● Gilchrist		
Gill		
● Gleason		
Grant		●
Groh		●
● Grumbacher		
Gullett	●	
● Hanson		
Hardwick		
Hargrove		●
Harkness		●
Harris		●
● Henderson		
Hickman		●
● Hopkins		
● Hostetter		
● Hutchinson		
Jett	●	
● Johnson		
Kahl		●

YEAS	N-V	NAYS
Key		●
Kiefer		●
Kirkland		●
Koger		●
Kosakowski		●
Koss		●
● Leitzel		
Linton		●
Lord		●
Macdonald		●
Malkus	●	
Marion		●
● Mason		
● Maurer		
Mentzer	●	
Miller, B.		●
Miller, E. T.		
Mitchell		●
Morgan		●
Moser	●	
Mosner		●
Mudd		●
Murphy		●
Murray, D. S.		●
Murray, E. C.		●
Needle		●
● Neilson		
● Neumann		
Smith, A. W.		●
Pascal	●	
Penniman		●
● Peters		
Powers		●
Price	●	
Pullen		●
● Raley		

YEAS	N-V	NAYS
Robey, F. C.		●
Robie, K. L.		●
Rollins		
Rosenstock		
Rush		
Rybaczynski		
● Scanlan		
Schloeder		
Schneider		
Sherbow		
Sickles		
Siewierski		
Singer		
Smith, J. H.		
Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm		
● Sybert		
Taylor, H. E.		
Taylor, L.		
Ulrich		
Vecera		
● Wagandt		
Webb		
Ritter		
Weidemeyer		
Wheatley		
● White		
● Willis		
● Willoner		
Winslow		

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
● 3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE: 1. JAN. 2.
1000	100	10 1
2000	200	20 2
3000	300	30 3
4000	400	40 4
	500	50 5
RESO.	600	60 6
2-R.	700	70 7
3-R.	800	80 8
QUO.	900	90 9
MOT.	000	00 0

SEPT. 7
OCT. 8
NOV. 9
DEC. 0

A

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum in support of Amendment 16
to Committee Recommendation GP-8

By Delegates Needle, Hardwicke and Sollins

There will be eight separate amendments embraced in Amendment 16 to Committee Recommendation GP-8 which are intended to provide two additional methods of calling a Constitutional Convention (by initiative and by the Governor), to shorten to twenty years the intervals at which the question of calling a convention shall be placed on the ballot, to require a convention in fifty years if one is not called prior to then, and to modify slightly the administrative procedures involved in the calling of a Constitutional Convention. These eight amendments will be presented on one amendment form in order to save reproduction costs, to save the time required to distribute eight different amendments, and for clarity. Each amendment is to be voted upon separately, as each is severable, not dependent upon the passage of any of the other amendments and stands on its own merits. As the amendments may appear complex, the section indicating the amendments, if adopted, is printed below for clarification.

AMENDED SECTION ON CONSTITUTIONAL CONVENTION

The General Assembly (1) or the Governor may (2) by law call a constitutional convention at any time or may at any time submit to the voters of the State the question of calling a constitutional convention. (3) Also, if a petition, signed by a number of qualified voters of the State equal to ten percent of the total number of votes cast for Governor in the most recent gubernatorial election, provided that not more than one fourth of such number shall be voters in any one county, is filed with the office of the Governor to refer to the voters the question of calling a constitutional convention, the question shall be submitted to a vote at the next general election. If the question of calling a convention shall not have been submitted to the voters of the State for a period of twenty (4) five years, then it shall be submitted at the next general election. (5) In any event, there shall be a constitutional convention fifty years from the effective date of this Constitution, unless the Governor, General Assembly or the voters of the State call a constitutional convention at any time prior to then. A convention shall be held within

NOTE - Language deleted is stricken through

- Language added is in italics
- Numbers in parentheses refer to numbers of amendments to be offered.

(6) ~~one year~~ two years after a majority of those voting on the question approve the calling of a convention (7) or within two years after the Governor or General Assembly calls a convention. Within sixty days after such approval (8) by the voters or within sixty days after the Governor or General Assembly calls a convention, the Governor shall appoint a commission to prepare for the convention. At its next regular session following such approval (8) by the voters, or the calling of a convention by the Governor or General Assembly, the General Assembly shall provide by law for the assembling of the convention, the election of delegates, the filling of vacancies in the position of delegate, and the appropriation of sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing the constitution shall be submitted to the voters of the State for adoption, and shall be effective only if approved by the affirmative vote of a majority of those voting thereon.

NOTE - Language deleted is stricken through
- Language added is in italics
- Numbers in parentheses refer to numbers of amendments to be offered.

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 9 b to GP-8

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett		●	Key		●	Robey, F. C.		●
Tawes		●	Clarke, E. J.			Kiefer		●	Robie, K. L.		●
Clark, J. ●			Cleveland			Kirkland		●	Rollins		●
James		●	Dabrowski		●	Koger		●	Rosenstock		●
Abrams	●		Darby		●	Kosakowski		●	Rush		●
Adkins			Della		●	Koss	●		Rybaczynski		
Anderson		●	Dorsey		●	Leitzel		●	Scanlan		
Armor		●	Dukes			Linton		●	Schloeder		●
Bamberger			Dulany	●		Lord		●	Schneider		●
Bard		●	Eckenrode			Macdonald		●	Sherbow		●
Berrick		●	Finch			Malkus	●		Sickles		●
Baumann	●		Fornos			Marion		●	Siewierski		●
Beachley		●	Fox			Mason			Singer		●
Beall		●	Frederick			Maurer		●	Smith, J. H.		●
Bennett		●	Freedlander		●	Mentzer		●	Smith, M. H.		●
Blair			Gallagher			Miller, B.		●	Sollins		
Boileau		●	Gilchrist			Miller, E. ●			Sosnowski		
Borom	●		Gill			Mitchell			Soul		●
Bothe		●	Gleason			Morgan			Stern		●
Boyce	●		Grant		●	Moser	●		Storm		●
Boyer		●	Groh		●	Mosner		●	Sybert		●
Boyles		●	Grumbacher		●	Mudd		●	Taylor, H. E.		●
Bradshaw		●	Gullett	●		Murphy		●	Taylor, L.		●
Bryson		●	Hanson			Murray, D. S.			Ulrich		●
Burdette		●	Hardwick			Murray, E. C.			Vecera		●
Burgess		●	Hargrove		●	Needle		●	Wagandt		●
Bushong	●		Harkness		●	Neilson			Webb		●
Buzzell		●	Harris		●	Neumann			Ritter		●
Byrnes		●	Henderson		●	Smith, A. W.	●		Weidemeyer		●
Caldwell		●	Hickman		●	Pascal	●		Wheatley		●
Cardin			Hopkins			Penniman			White		●
Carson			Hostetter			Peters			Willis		●
Case		●	Hutchinson			Powers		●	Willoner		●
Chabot		●	Jett	●		Price	●		Winslow		●
Child		●	Johnson		●	Pullen					
Cicone		●	Kahl		●	Raley					

YEAS	N-V	100-200	YEAS	N-V	100-200
0	0	●	0	0	●
1	1		1	1	
2	2		2	2	●
3	3		3	3	
4	4		4	4	
5	5		5	5	
6	6		6	6	
7	7		7	7	
8	8		8	8	
9	9		9	9	

DEL. PRO.	COM. REC.	DATE: 1 JAN. 2
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2000	200	1
3000	300	2
4000	400	3
500	50	4
RESO.	60	5
2-R.	70	6
3-R.	80	7
QUO.	90	8
MOT.	00	9
	00	10

SEPT. 7
OCT. 8
NOV. 9
DEC. 0



Constitutional Convention

AMENDMENT NO. 10

XXXXAMENDMENT XXXXXXXXX

To Committee Recommendation No. GP-8

BY DELEGATE S NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in line 17 after the word
2 "approval" add the words: "by the voters or
3 within sixty days after the governor or
4 General Assembly calls a convention".
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~~Approved~~

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 10 to
GP-8

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J.		
James	●	
Abrams		
● Adkins		
Anderson		
● Armor		
Bamberger		
● Bard		
Barrick		
Baumann		
● Beachley		
Beall		
Bennett		
Blair		
Boileau		
Borom	●	
Bothe		
Boyce	●	
● Boyer		
Boyles		
Bradshaw		
Bryson		
Burdette		
Burgess	●	
Bushong	●	
● Buzzell		
Byrnes		
Caldwell		
Cardin		
Carson		
Case		
Chabot		
Child		
Cicone		

YEAS	N-V	NAYS
● Clagett		
Clarke, E.		
Cleveland	●	
● Dabrowski		
● Darby		
Della	●	
● Dorsey		
● Dukes		
Dulany	●	
● Eckenrode		
Finch		
● Fornos		
Fox		
● Frederick		
Freedlander		
Gallagher		
● Gilchrist		
Gill		
● Gleason		
Grant		
Groh		
● Grumbacher		
Gullett	●	
● Hanson		
Hardwick		
● Hargrove		
Harkness		
● Harris		
Henderson		
Hickman		
Hopkins		
Hostetter		
Hutchinson		
Jett	●	
● Johnson		
Kahl		

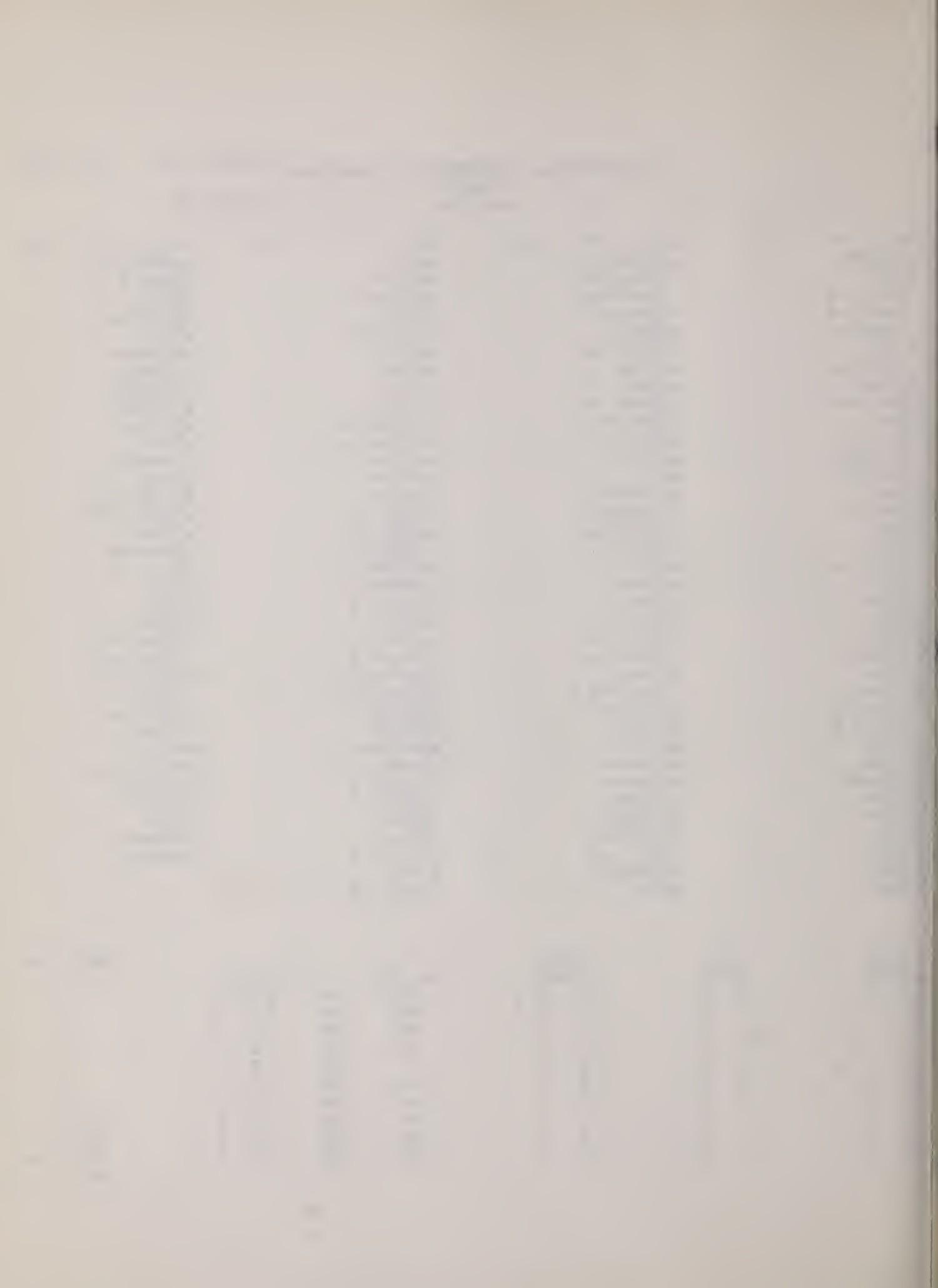
YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland		
● Kozer		
Kosakowski		
Koss		
Leitzel		
Linton		
Lord		
● Macdonald		
Malkus	●	
● Marion		
Mason		
Maurer		
Mentzer		
● Miller, B.		
Miller, E.	●	
Mitchell		
● Morgan		
Moser	●	
● Mosner		
Mudd		
Murphy	●	
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
Peters		
Powers		
Price	●	
● Pullen		
Raley	●	

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
Rollins		
● Rosenstock		
Rush		
● Rybczynski		
Scanlan		
Schloeder		
● Schneider		
Sherbow		
Sickles		
● Siewierski		
Singer		
● Smith, J. H.		
● Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm		
● Sybert		
Taylor, H. E.		
Taylor, L.		
Ulrich		
Vecera	●	
Wagand		
● Webb		
Ritter		
● Weidemeyer		
● Wheatley		
● White		
Willis		
● Willoner		
Winslow		

YEAS	N-V	YEAS	N-V	YEAS	N-V
● 100-200		● 100-200		● 100-200	
0 0		0 0		● 0 0	●
● 1 1		1 1		1 1	
2 2		● 2 2		2 2	
3 3		3 3		3 3	
4 4		4 4		4 4	
5 5		5 5		5 5	
6 6		6 6		6 6	
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8 8		8 8		8 8	
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DEL. PRO.	COM. REC.	DATE: 1
1000	100	● 10 1
2000	200	20 2
3000	300	30 3
4000	400	40 4
	500	50 5
RESO.	600	60 6
2-R.	700	70 7
3-R.	800	80 8
QUO.	900	90 9
MOT.	000	00 0

DATE: 1	JAN. 2	3
		3
		1
		2
		3
		4
		5
		6
		7
		8
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Constitutional Convention

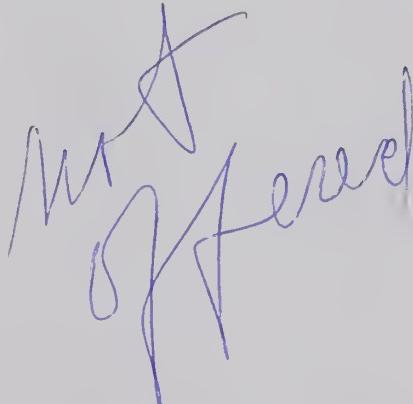
AMENDMENT NO. _____

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To Committee Recommendation No. GP-8

BY DELEGATES NEEDLE, HARDWICKE, SOLLINS

1 On page 1 in line 20 after the word
2 "approval" add the following words: "by the
3 voters, or the calling of a convention by
4 the governor or General Assembly".
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Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-9

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 319

TITLE

1 A RECOMMENDATION that the Constitution contain
2 the following provision dealing with the adoption
3 by the State of the Common Law of England, such
4 of the English Statutes which are applicable to
5 local circumstances, the Acts of Assembly which
6 are appropriately enforceable and entitling the
7 citizens of Maryland to all property derived by
8 Charter from the King, to read as follows:
9

10 That the Inhabitants of Maryland are entitled
11 to the Common Law of England according to the
12 course of that Law, and to the benefit of such
13 of the English Statutes as existed on the Fourth
14 day of July, seventeen hundred and seventy-six;
15 and which, by experience, have been found applic-
16 able to their local and other circumstances, and
17 have been introduced, used and practiced by the
18 Courts of Law or Equity; and also of all Acts of
19 Assembly in force on the first day of June,
20 eighteen hundred and sixty-seven; except such as
21 may have since expired, or may be inconsistent
22 with the provisions of this Constitution; subject
23 nevertheless, to the revision of, and amendment
24 or repeal by, the Legislature of this State. And
25 the inhabitants of Maryland are also entitled to

1 all property derived to them from, or under the
2 Charter granted by His Majesty Charles the First
3 to Caecilius Calvert, Baron of Baltimore.

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-9

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17, 1967.

In support of Committee Recommendation No. GP-9

1 The Committee considered the historical
2 background of this proposal and recommends
3 that it be included in the new Constitution.
4

5 Maryland's Constitution was first adopted
6 in October 1776 and was one of the first Con-
7 stitutions in our young country. Other
8 states and indeed the Federal Constitution
9 have borrowed from this model project.

10 The Committee felt the provision on Commu-
11 Law was a very important part of current
12 Maryland law. It was apparent that those
13 who created Maryland's maiden Constitu-
14 tion were determined that there should be abso-
15 lute political separation from Great Britain.
16 There, the King and his Ministers acquired
17 control over the executive and legislative
18 powers. Our forefathers were determined this
19 would not be repeated here. The abuse of
20 this great power was really the direct cause
21 of the American Revolution.
22

23 Our forefathers wanted a guarantee that
24 they would not be separated from the pro-
25 tection of the Common Law and from the bene-
26 fits of such English Statutes as existed
27 July 4, 1776. They also wanted guarantees
28 that all property under the Charter granted
29 by Charles I to the Barons of Baltimore
30 would be transferred to the State, and the
31 people of Maryland have enjoyed it ever since.
32

1 It is vitally important that the people of
2 Maryland be entitled to the common law of
3 England as a matter of Constitutional right.

4
5 Common law is made up of customs, usages,
6 experience, and practices of the English
7 people in actual litigation before Courts.
8 Law is hammered out, case by case, this way.
9 Recorded reasons why Judges decide as they
10 do are called opinions, and we are still
11 following that system. This builds up the
12 doctrine of Stare Decisis, which literally
13 means, "We will stand by the decision." If
14 a Judge does not follow a prior decision,
15 neither the Bar nor the public will know
16 what the law is. It would be just what that
17 particular Judge happened to think at that
18 particular time. An important matter like
19 a decision of a case must not hang upon in-
20 tangibles but upon the prior decisions of the
21 Courts. Justice Holmes has been quoted, "The
22 genius of common law is not logic but exper-
23 ience, and it comes out of the experience of
24 the people and it is a practical system of
25 law rather than a theoretical system imposed
26 by the sovereign." Common law stems from
27 the people. It is their experiences and
28 their relationship to the law which forms
29 the common law.
30

31 Our ancestors built into the first Constitu-
32 tion that the people are sovereign and all
33 government of right originates from the
34 people. It was founded in compact and it
35 is solely for the good of the whole. They
36 transferred the power of the King and Par-
37 liament in England to the people where it
38 is more proper and is safer. It is that
39 system they were determined to continue in
40 the common law system and the reason they
41 wrote into our first Constitution that the
42 inhabitants of Maryland are entitled to the
43 common law of England.
44

45 Common law is the basic foundation of our
46 real estate law, our landlord and tenant law,
47 law on frauds, criminal law, and many other
48 fundamental areas. Alexander's British Stat-
49 utes are the keystone of this legalistic sys-
50 tem and have been used by Maryland Courts for

1 decades as revised by the scholarly authority,
2 Ward B. Coe. 197 Statutes have been found by
3 Maryland Courts, and by experience, to be ap-
4 plicable to Maryland law. For example, the
5 Statute of 27 Henry VIII, Chapter 10, was
6 passed by the English Parliament in 1535. This
7 is the Statute of Uses and controls many fac-
8 tors and laws dealing with our laws today on
9 conveyances and sales.

10
11 The Committee also learned that if this
12 Recommendation were not incorporated in the
13 new Constitution, Maryland would have no
14 Statute of Frauds except as partially set forth
15 in the Uniform Commerce Code, and this Conven-
16 tion would have to prepare a new Statute of
17 Frauds for the State. This same objection is
18 applicable to many other English Statutes which
19 would be eliminated if this Recommendation were
20 not adopted.

21
22 Common law is the bedrock of our legalistic
23 system and the Committee felt it should be
24 guaranteed to the people of the State of Mary-
25 land by incorporating it in the Constitution.

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A

Constitutional Convention

AMENDMENT NO. 1

~~XXXXXX~~

To Committee Recommendation No. GP-9

BY ~~XXXXXX~~ THE COMMITTEE ON GENERAL PROVISIONS
ELROY G. BOYER, CHAIRMAN

1 On pages 1 and 2 strike out all of lines 2
2 through 25 on page 1 and all of lines 1, 2 and
3 3 on page 2 and insert in lieu thereof the
4 following: "provisions dealing with the
5 effect of this Constitution on existing
6 legislation and on enumerated legal writs,
7 actions and proceedings as follows:

8 All legislation, including local legislation,
9 and all other law, including common law, in
10 force on June 30, 1968, insofar as not in
11 conflict with this Constitution, shall continue
12 in force until it expires by its own limitation,
13 or is lawfully changed, and all existing
14 writs, actions, suits, proceedings, civil or
15 criminal liabilities, prosecutions, judgments,
16 sentences, orders, decrees, appeals, causes
17 of action, contracts, claims, demands, property
18 titles and rights shall continue unaffected
19 except as modified in accordance with the
20 provisions of this Constitution."

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Com Rec GP-9

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
●President			●Clagett			●Robey, F. C.		
●Tawes			Clarke, E.J.			●Robie, K. L.		
Clark, J. ●			Cleveland			●Rollins		
James	●		●Dabrowski			●Rosenstock		
Abrams	●		●Darby			●Rush		
●Adkins			●Della			●Rybaczynski		
●Anderson			Dorsey	●		●Scanlan		
●Armor			●Dukes			●Schloeder		
●Bamberger			Dulany	●		●Schneider		
●Bard			Eckenrod	●		●Sherbow		
●Barrick			●Finch			●Sickles		
Baumann	●		●Fornos			●Siewierski		
●Beachley			●Fox			●Singer		
Beall	●		Frederick	●		●Smith, J. H.		
●Bennett			●Freedlander			●Smith, M. H.		
●Blair			Gallagher	●		●Sollins		
●Boileau			●Gilchrist			●Sosnowski		
●Borom			●Gill			●Soul		
●Bothe			●Gleason			●Stern		
●Boyce			●Grant			●Storm		
●Boyer			●Groh			●Sybert		
●Boyles			●Grumbacher			●Taylor, H. E.		
●Bradshaw			Gullett	●		●Taylor, L.		
●Bryson			●Hanson			●Ulrich		
●Burdette			Hardwick			Vecera	●	
Burgess	●		●Hargrove			●Wagandt		
Bushong	●		●Harkness			●Webb		
●Buzzell			●Harris			●Ritter		
●Byrnes			●Henderson			●Weidemeyer		
●Caldwell			Hickman			●Wheatley		
●Cardin			●Hopkins			●White		
Carson	●		●Hostetter			●Willis		
●Case			Hutchinson			●Willoner		
●Chabot			Jett			●Winslow		
●Child			Johnson					
●Cicone			Kahl					

YEAS	N-V	NAYS
● 100-200	100-200	100-200
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2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
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6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
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2000	200	1
3000	300	2
4000	400	3
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RESO.	600	5
2-R.	700	6
3-R.	800	7
QUO.	900	8
MOT.	000	9 SEPT. 7 OCT. 8 NOV. 9 DEC. 0

for second draft
See SD-14

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-10

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17, 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 9.

TITLE

1 A RECOMMENDATION that the Constitution
2 include a provision on impeachment to read
3 as follows:
4
5 The House of Delegates shall have the sole
6 power of impeachment of elected officials,
7 judges and any other state officers who may
8 be designated by law, in cases of serious
9 crimes or serious misconduct in office. The
10 affirmative vote of three-fifths of all the
11 members of the House of Delegates shall be
12 required to impeach. Impeachments shall be
13 tried by a special tribunal of ten judges
14 appointed by the Court of Appeals from among
15 the judges of the State. The concurrence
16 of three-fifths of the judges of the special
17 tribunal shall be required to convict.
18 Judgment upon conviction shall be removal
19 from office and may include disqualification
20 from holding any office of public trust, as
21 well as deprivation of pension rights and
22 other privileges of office. A person tried
23 upon impeachment, whether or not convicted,
24 shall be liable to criminal prosecution and
25 punishment according to law.

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-10

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17 , 1967.

In support of Committee Recommendation No. GP-10.

1 The recommended provision is identical to
2 Section 8.08 of the Commission's draft, and
3 would replace Article III, Section 26, of the
4 existing Constitution. Inclusion of an ex-
5 press provision for impeachment is necessary
6 because case law indicates that the power of
7 impeachment is not necessarily inherent in a
8 legislative body and that a constitutional
9 provision may be necessary to obviate any
10 question that impeachment proceedings violate
11 the doctrine of separation of powers.
12

13 The section clarifies the question of who
14 may be made subject to impeachment. This
15 question has been in great doubt under other,
16 less specific provisions.
17

18 The recommended section continues the power
19 to impeach in the legislature but requires
20 that three-fifths of the members must vote in
21 favor of impeachment. The existing Constitu-
22 tion allows impeachment by a simple majority.
23

24 The provision would require trial of an
25 impeached official to be had before a special
26 panel of judges. The present practice is for
27 a trial by the Senate with conviction only upon
28 the vote of two-thirds of the senators. This
29 change is recommended for three principal
30 reasons. It does not deviate from the princi-
31 ple of the separation of powers as much as
32 the existing practice. It provides for trial

1 by a tribunal best qualified by training and
2 experience to weigh facts and apply the law.
3 It is better calculated to minimize the role
4 of prejudice and sympathy.

5
6 The committee considered the objection that
7 trial of judges by other judges is just as
8 questionable as trial of legislators by other
9 legislators. This objection is minimized by
10 the separate machinery set up in the judicial
11 article for the removal of judges and by the
12 retention of an element of legislative judgment
13 in initiating the impeachment. It is thought
14 that judges' experience tends to permit them a
15 high degree of insulation from issues of per-
16 sonality.

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CONSTITUTIONAL CONVENTION OF MARYLAND Com. Rec. GP-10
 1967
 ROLL CALL

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J.		
● James		
Abrams		
● Adkins		
Anderson	●	
● Armor		
● Bamberger		
● Bard		
● Barrick		
Baumann		
Beachley	●	
Beall	●	
● Bennett		
Blair	●	
Boileau	●	
Borom		●
● Bothe		
Boyce	●	
● Boyer		
Boyles		
● Bradshaw		
● Bryson		
Burdette	●	
Burgess	●	
Bushong	●	
● Buzzell		
● Byrnes		
Caldwell		
● Cardin		
Carson	●	
● Case		
● Chabot		
● Child		
● Cicone		

YEAS	N-V	NAYS
● Clagett		
Clarke, E.J.		
Cleveland		
● Dabrowski		
● Darby		
Della	●	
Dorsey		●
Dukes	●	
● Dulany		
● Eckenrode		
Finch	●	
Fornos	●	
● Fox		
Fredericks		
● Freedlander		
● Gallagher		
● Gilchrist		
● Gill		
Gleason		●
Grant	●	
● Groh		
Grumbacher		
Gullett	●	
Hanson		●
● Hardwicke		
Hargrove		
● Harkness		
● Harris		
● Henderson		
Hickman		
Hopkins		
● Hostetter		
Hutchinson		
Jett		
● Johnson		
Kahl		

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland	●	
Koqer		
● Kosakowski		
Koss	●	
Leitzel	●	
Linton	●	
Lord	●	
● Macdonald		
Malkus	●	
● Marion		
● Mason		
Maurer	●	
● Mentzer		
Miller, B.		
Miller, E.	●	
Mitchell		●
● Morgan		
● Moser		
● Mosner		
● Mudd		
Murphy	●	
Murray, D. S.		
● Murray, E. C.		
Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal		
● Penniman		
Peters	●	
● Powers		
Price	●	
● Pullen		
● Raley		

YEAS	N-V	NAYS
Robey, F. C.		
● Robie, K. L.		
● Rollins		
● Rosenstock		
Rush	●	
● Rybczynski		
Scanlan	●	
● Schloeder		
● Schneider		
Sherbow		
● Sickles		
Siewierski		
● Singer		
● Smith, J. H.		
● Smith, M. H.		
Sollins		
● Sosnowski		
● Soul		
Stern		
● Storm		
● Sybert		
● Taylor, H. E.		
● Taylor, L.		
● Ulrich		
Vecera	●	
● Wagandt		
● Webb		
● Ritter		
● Weidemeyer		
● Wheatley		
● White		
● Willis		
Willoner		
● Winslow		

YEAS	N-V	NAYS
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DEL. PRO.	COM. REC.
1000	100
2000	200
3000	300
4000	400
500	50
RESO.	600
2-R.	700
3-R.	800
QUO.	900
MOT.	000

DATE:	1
JAN.	2
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SEPT.	7
OCT.	8
NOV.	9
DEC.	0

C

Constitutional Convention

AMENDMENT NO. 1

XXXXXX XXXXXXXX XXXXXXXX

To Committee Recommendation No. GP-10

BY DELEGATES HANSON, HOPKINS, BAMBERGER
GALLAGHER

1 On page 1 strike out all of lines 13
2 through 17, inclusive, and insert in lieu
3 thereof the following: "tried by the Senate.
4 The concurrence of three-fifths of all the
5 members of the Senate shall be required to
6 convict."

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CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

Amend 1 +

GP-10

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J.	●	
James	●	
Abramson	●	
Adkins	●	
Anderson	●	
Armor		●
Bamberger		●
Bard		●
Berrick		●
Baumano	●	
Beachley		●
Beall		●
Bennett		●
Blair		●
Boileau		●
Borom		●
Bothe		●
Boyce		●
Boyer		●
Boyles		●
Bradshaw		●
Bryson		●
Burdette		●
Burgess	●	
Bushong	●	
Buzzell		●
Byrnes		●
Caldwell		●
Cardin		●
Carson		●
Case		●
Chabot		●
Child		●
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E. J.		●
Cleveland		●
Dabrowski		●
Darby		●
Della	●	
● Dorsey		
Dukes		●
Dulany		●
● Eckenrode		
Finch		●
Fornos	●	
● Fox		
Frederick		●
Freedlander		●
● Gallagher		
Gilchrist		●
● Gill		
Gleason		●
Grant		●
Groh		●
● Grumbacher		
Gullett	●	
● Hanson		
Hardwick		●
Hargrove		●
Harkness		●
● Harris		
Henderson		●
Hickman		●
Hopkins		●
Hostette	●	
● Hutchinson		
Jett		●
● Johnson		
Kahl		●

YEAS	N-V	NAYS
Key		●
Kiefer		●
Kirkland	●	
Koger		●
● Kosakowski		
Koss		●
Leitzel	●	
Linton		●
Lord		●
Macdonald		●
Malkus		●
Marion		●
Mason		●
Maurer	●	
Mentzer		●
Miller, B.		●
Miller, E. S.		●
Mitchell		●
Morgan		●
Moser		●
Mosner		●
Mudd		●
Murphy	●	
Murray, D. S.		●
Murray, E. C.		●
Needle		●
Neilson		●
Neumann		●
Smith, A. W.		●
Pascal		●
Penniman		●
Peters		●
Powers		●
Price	●	
Pullen		●
Raley		●

YEAS	N-V	NAYS
● Robey, F. C.		
Robie, K. L.		●
Rollins		●
Rosenstock		●
Rush		●
Rybaczynski		●
Scanlan		●
Schlaeder		●
Schneider		●
Sherbow		●
Sickles		●
Siewierski		●
Singer		●
Smith, J. H.		●
Smith, M. H.		●
Sollins		●
Sosnowski		●
Soul		●
Stern		●
Storm		●
Sybert		●
Taylor, H. E.		●
Taylor, L.		●
Ulrich		●
Vecera	●	
Wagandt		●
Webb		●
Ritter		●
Weidemeyer		●
● Wheatley		
● White		
Willis		●
● Willoner		
Winslow		●

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	500	5
RESO.	600	6
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3-R.	800	8
QUO.	900	9
MOT.	000	10 NOV. 9 ● 12 DEC. 0

SEPT. 7.

OCT. 8

NOV. 9

A

Constitutional Convention

AMENDMENT NO. 2

XXXXXXXXXXXXXX

To Committee Recommendation No. GP-10

BY DELEGATE GRANT

1 On page 1 of the recommendation following
2 line 25 add this new section:

3
4 "Section ____ . Removal of Officers
5 Except as otherwise provided in this
6 Constitution, the General Assembly shall
7 provide by law for investigation of the
8 misconduct in office or incompetency of
9 any officer and, subject to judicial review,
10 for the removal for good cause of any officer
11 who is investigated, and for the appointment
12 of a successor of the same political party
13 to fill the remainder of the term of office
14 of the removed officer."

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Constitutional Convention

AMENDMENT NO. 3

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To Committee Recommendation No. GP-10

BY DELEGATE BAMBERGER

1 On page 1 in line 6 after the word "elected"
2 add the word "state".

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

Amend 3 to
GP-10

YEAS	N-V	NAYS
● President		
● Tawes		
Clark, J.		
James	●	
Abrams		
● Adkins		
Anderson		
● Armor		
● Bamberger		
● Bard		
● Barrick		
Baumann		
Beachley	●	
Beall	●	
Bennett	●	
Blair	●	
Boileau	●	
● Borom		
● Bothe		
● Boyce		
● Boyer		
● Boyles		
● Bradshaw		
● Bryson		
Burdette	●	
Burgess	●	
Bushong	●	
● Buzzell		
● Byrnes		
● Caldwell		
● Cardin		
● Carson		
● Case		
Chabot	●	
● Child		
● Cicone		

YEAS	N-V	NAYS
● Clagett		
● Clarke, E. J.		
Cleveland		
● Dabrowski		
● Darby		
Della	●	
● Dorsey		
Dukes	●	
● Dulany		
● Eckenrode		
● Finch		
Fornos	●	
● Fox		
Frederick		
● Freedlander		
Gallagher		
● Gilchrist		
Gill		
● Gleason		
● Grant		
Groh		
● Grumbacher		
Gullett	●	
● Hanson		
● Hardwicke		
Hargrove		
● Harkness		
Harris		
● Henderson		
Hickman		
● Hopkins		
● Hostetter		
Hutchinson		
Jett		
● Johnson		
Kahl		

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland	●	
● Koger		
● Kosakowski		
Koss	●	
Leitzel	●	
Linton	●	
Lord	●	
● Macdonald		
Malkus	●	
● Marion		
● Mason		
Maurer	●	
● Mentzer		
● Miller, B.		
Miller, E.	●	
● Mitchell		
● Morgan		
● Moser		
● Mosner		
● Mudd		
Murphy	●	
Murray, D.	S.	
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
● Penniman		
Peters	●	
● Powers		
Price	●	
● Pullen		
● Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
● Rollins		
Rosenstock		
Rush		
Rybaczynski		
● Scanlan		
● Schloeder		
Schneider		
● Sherbow		
● Sickles		
● Siewierski		
● Singer		
● Smith, J. H.		
● Smith, M. H.		
● Sollins		
● Sosnowski		
● Soul		
● Stern		
● Storm		
● Sybert		
● Taylor, H. E.		
Taylor, L.		
● Ulrich		
Vecera	●	
● Wagandt		
● Webb		
Ritter	●	
● Weidemeyer		
● Wheatley		
● White		
● Willis		
● Willoner		
● Winslow		

YEAS	N-V	NAYS
● 100-200	100-200	100-200
● 0 0	0 0	● 0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
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8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 2 3
2000	200	2
3000	300	2
4000	400	3
	500	4
RESO.	600	5
2-R.	700	6
3-R.	800	SEPT. 7
QUO.	900	OCT. 8
MOT.	000	NOV. 9
		DEC. 0

A

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum in support of the addition of a new section to GP-10, on the removal of officers.

By Delegate Grant.

If the organic law of a government is silent as to the mode of removal of an official, the officer must be deposed as provided by a fundamental law. Where the constitution provides a mode for removal of officers, that mode is exclusive. Ordinarily the legislature cannot provide for the removal of officers protected by the Constitution. Statutes providing for the removal of an officer are strictly construed.

The power to remove a public officer is an incident of the sovereign power. The power of removal in England, at common law, resided with the King. In the United States the power rests with the people. They may bestow this power on the executive or the legislature or the judiciary.

The Governor has no inherent power to remove an official. However the power to appoint carries with it, as an incident, the power to remove if no definite term is fixed. If a definite term is fixed, the power to appoint does not ordinarily carry with it the power to remove. When the power to remove is limited to specific causes, the officer cannot be removed for some other cause. When the Constitution provides that an officer may be removed at the pleasure of the appointing officer, the officer may be removed despite a definite term for the officer having been fixed by the legislature.

Ordinarily the words "for cause" mean reasons which the law and sound public policy recognize as sufficient warrant for removal. Particular causes may generally be defined as follows:

Misfeasance: a default in not doing a lawful thing in a proper manner or omitting to do it as it should be done.

Malfeasance: doing an act in a wholly wrong and unlawful manner. Malpractice is the same as malfeasance.

Misconduct in office: includes willful malfeasance, misfeasance, nonfeasance, and any act involving moral turpitude or contrary to justice, honesty, principles or good morals, if performed by virtue of or under the authority of the office.

Neglect of duty: the careless or intentional failure to exercise due diligence in the performance of an official duty.

Inefficiency: being incapable of doing or indisposed to do things required of an officer.

Incompetency: any physical, moral or intellectual quality which incapacitates an officer to perform his duties. The incompetency must be one which has arisen since and did not exist prior to the election of the officer sought to be removed.

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-11

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos. 112 and 345.

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a provision on separation of powers to
3 read as follows:

4
5 The legislative, executive, and judicial
6 powers of government shall be forever separate
7 and distinct from each other, and no person
8 exercising the functions of one of these de-
9 partments shall assume or discharge the duties
10 of any other department, but the legislature
11 may enact laws providing for the establish-
12 ment, maintenance, or conduct of administra-
13 tive agencies, boards, and commissions, which
14 may within themselves exercise one or more
15 of the legislative, executive or judicial
16 functions, provided that the legislature
17 shall provide for due process and judicial
18 review.

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-11

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

November 17 , 1967.

In support of Committee Recommendation No. GP-11

1 The recommended provision is intended to
2 continue the principle of separation of
3 powers contained in Article 8 of the existing
4 Declaration of Rights. The validity of that
5 principle has not been diminished although
6 some exceptions have been necessitated by
7 the increased scope of administrative re-
8 sponsibility of modern government. The
9 committee believes that the necessity for
10 exception shall not deprive the people of
11 the protection of so fundamental a principle.
12 The continued vitality of the doctrine is
13 evidenced by its frequent citation by the
14 courts. By and large, it has proved a use-
15 ful and effective safeguard against unwise
16 centralization of power offered in the name
17 of increased efficiency.
18

19 The principal objection to the continua-
20 tion of this doctrine in the constitution is
21 the practical necessity of combining legisla-
22 tive, judicial and executive powers in some
23 administrative agencies. For example, the
24 Maryland Tax Court is a part of the executive
25 branch of government although its principal
26 function involves trial and decision. Several
27 other executive agencies exercise a rule-
28 making power which may be characterized as
29 legislative, and power to hold hearings and
30 hand down binding decisions which is usually
31 called "quasi-judicial." Largely because of
32 the principle of separation of powers, these

1 functions of administrative bodies have been
2 circumscribed by the courts with checks and
3 safeguards. The recommended provision would
4 permit the continued efficiency of such bodies,
5 but, at the same time would continue these
6 safeguards.

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Com. Rec. GP-11

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CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

EAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Claggett		●	Key		●	Robey, F. C.		●
Tawes	●		Clarke, E. J.			Kiefer			Robie, K. L.		●
Clark, J.	●		Cleveland			Kirkland	●		Rollins		●
James		●	Dabrowski			Koger		●	Rosenstock		●
Abrams	●		Darby		●	Kosakowski			Rush		●
Adkins		●	Della	●		Koss	●		Ryczynski		
Anderson			Dorsey	●		Leitz	●		Scanlan		●
Armor			Dukes	●		Linton			Schloeder		●
Bamberger	●		Dulany		●	Lord			Schneider		●
Bard			Eckenrode			Macdonald			Sherbow		●
Barrick		●	Finch		●	Malkus	●		Sickles		●
Baumann	●		Fornos	●		Marion		●	Siewierski		●
Beachley			Fox		●	Mason			Singer		
Beall	●		Frederick	●		Maurer	●		Smith, J. H.		●
Bennett			Freedlander		●	Mentzer		●	Smith, M. H.		●
Blair	●		Gallagher		●	Miller, B.			Sollins		●
Boileau		●	Gilchrist		●	Miller, E. T.			Sosnowski		
Borom		●	Gill			Mitchell			Soul		
Bothe		●	Gleason			Morgan		●	Stern		●
Boyce		●	Grant			Moser		●	Storm		
Boyer			Groh			Mosner		●	Sybert		●
Boyles			Grumbacher		●	Mudd		●	Taylor, H. E.		●
Bradshaw		●	Gullett	●		Murphy	●		● Taylor, L.		
Bryson		●	Hanson		●	Murray, D. S.			Ulrich		●
Burdette			Hardwick	●		Murray, E. C.			Vecera	●	
Burgess	●		Hargrove		●	Needle		●	Wagandt		●
Bushong	●		Harkness		●	Neilson		●	Webb		
Buzzell	●		Harris		●	Neumann		●	● Ritter		
Byrnes		●	Henderson		●	Smith, A. W.			● Weidemeyer		
Caldwell	●		Hickman	●		Pascal			● Wheatley		
Cardin			Hopkins		●	Penniman			White		●
Carson		●	Hostetter			Peters			Willis		●
Case			Hutchinson			Powers			Willoner		●
Chabot		●	Jett		●	Price	●		Winslow		●
Child			Johnson			Pullen					
Cicone		●	Kahl			Raley					

YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
100-200	100-200	100-200	1000	100	1 JAN. 2
0 0	0 0	0 0	2000	200	3
1 1	1 1	1 1	3000	300	1
2 2	2 2	2 2	4000	400	2
3 3	3 3	3 3	500	50	3
4 4	4 4	4 4	RESU.	60	4
5 5	5 5	5 5	2-R.	70	5
6 6	6 6	6 6	3-R.	80	6
7 7	7 7	7 7	QUO.	90	SEPT. 7
8 8	8 8	8 8	MOT.	00	OCT. 8
9 9	9 9	9 9			NOV. 9
					DEC. 0

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum in support of Committee Recommendation
GP-11.

By Delegate Grant

The basic maxim of constitutional government as described by Montesquieu and Blackstone is the separation of the legislative, executive, and judicial functions of government. In defending the proposed Federal Constitution as fulfilling the requirements of this maxim, the Federalist No. 47 said:

"The accumulation of all power: legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective may be justly pronounced the very definition of tyranny."

Subsequently Story in his Commentaries on the Constitution, Section 525 said:

"But when we speak of a separation of the three great departments of government and maintain that that separation is indispensable to public liberty, we are to understand this maxim in a limited sense. It is not meant to affirm that they must be kept wholly and entirely distinct and have no common link of connection or dependence, the one from the other, in the slightest degree. The true meaning is, that the whole power of one of these departments should not be exercised by the same hands which possess the power of either of the other departments; and that the exercise of the whole would subvert the principles of a free constitution....This was obviously the view of the subject taken by Montesquieu and Blackstone in their commentaries; for they were each speaking with the general approbation of a constitution of government which embraced this division of power in the general view; but which, at the same time, established an occasional mixture of each with the other and a mutual dependency of each on the other."

The problems involved due to the capacity of the General Assembly to act in a plenary manner in regard to legislation was commented on in *Crane v Meginnis* 1 G&J 463 where the Court of Appeals of Maryland said:

"The legislative department is nearest to the source of power, and is manifestly the predominant branch of the government. Its authority is extensive and complex, and.... is more likely to be exceeded in practice.... The check to legislative encroachment is to be found in the declaration that the legislative, executive and judicial powers ought to be kept separate and distinct...."

Originally the article read simply: "That the legislative, executive and judicial powers of Government ought to be forever separate and distinct from each other." The 1851 Constitutional Convention added the concluding clause "and no person exercising the functions of one of the said departments, shall assume or discharge the duty of the other."

Examples of legislative encroachment on the judiciary that have been struck down are:

(1) The Court issued an injunction to prevent a city from collecting an illegal assessment. A subsequent act by the legislature authorizing collection of the assessment by the city was unconstitutional as a legislative action to reverse a judicial decision.

(2) Talbot County and Queen Anne's County were each to pay half the cost of a new bridge. A statute passed, after the bridge was built, which specified the exact amount Talbot County was to pay was unconstitutional as legislative usurpation of the judiciary's authority to determine what amount Talbot County should pay.

(3) A statute directing the Judges of the Circuit Court of Prince George's County to approve certain claims before payment could be made by the County Commissioners was unconstitutional as imposing non-judicial duties on the judiciary.

(4) A statute authorizing the Circuit Court of Wicomico County to order an election on the question of liquor sales was unconstitutional as imposing non-judicial duties on the judiciary.

However, the Court of Appeals in Painter v Mattfeldt 119 Md. 466 recognized the limitation of judicial encroachment on the legislature by stating:

"The Constitution apportions the powers of Government; but does not make any one of the three departments subordinate to the other when exercising the trust committed to it. The Court may declare legislative enactments unconstitutional and void in some cases; but not because the judicial power is superior in degree and dignity to the legislature. Being required to declare what the law is in cases that comes before them, they must enforce the Constitution as the paramount law whenever a legislative enactment comes in conflict with it."

And later in the Board of Education of Montgomery County v Montgomery County 237 Md. 191 stating:

"It was not for the Court to decide what was best for the school system and the taxpayers and the Court's function was limited to determining how the legislature had resolved the question."

The executive branch where administrative agencies exercise rule making (legislative) and adjudicating (judicial) power forms the area in which the basic meaning of the separation of power doctrine is most applicable. The Court of Appeals in recognizing the rights of the judiciary in Johnstown Coal & Coke v Dishong 198 Md 467 said:

"The legislature is without power to divest Courts of their inherent power to review action of administrative agencies which are illegal, arbitrary and unreasonable and which impair personal or property rights."

Similarly the Court of Appeals circumscribed the delegation of legislative power to the executive. Electrical Utilities v West 154 Md. 445, repeats the requirement that there must be standards for the agency to follow in exercising their rule-making power. In Maryland Coal Co. v Bureau of Mines 193 Md 627, the Court of Appeals said that the police power which the General Assembly possessed could be delegated to an agency to be exercised and further recognized that, as an incident to that delegation, the agency could make a determination of the facts necessary for the exercise of that power.

for second reading
See 54D - 17

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-12

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

December 19 , 1967.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos.

TITLE

- 1 A RECOMMENDATION that the Constitution in-
- 2 clude a provision on effective date to read
- 3 as follows:
- 4
- 5 "This Constitution shall become effective,
- 6 and the Constitution of 1867 as amended shall
- 7 cease to be effective, on July 1, 1968, except
- 8 as otherwise specifically provided in the
- 9 Schedule of Transitional Provisions attached
- 10 to this Constitution."
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1 of the new Constitution. The Convention has
2 also maintained liaison with a special committee
3 of the General Assembly so that the legislature
4 will be aware of areas wherein early implementa-
5 tion is appropriate.

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Com. Rec. GP-12

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President		● Claggett		● Key	●	● Robey, F. C.			● Robie, K.L.		
● Tawes		● Clarke, E. J.		● Kiefer		● Rollins	●		● Rosenstock		
Clark, J. ●		Cleveland		● Kirkland		Rush	●		Rybaczynski		
● James		Dabrowski		Koiger	●	● Scanlan			● Schloeder		
● Abramson		● Darby		Kosakowski		● Schneider			● Sherbow		
Adkins ●		Della	●	● Koss		● Sickles			● Siewierski		
Anderson		● Dorsey		Leitzel	●	● Singer			● Smith, J. H.		
● Armor		Dukes	●	Linton	●	● Smith, M. H.			● Smith, M. H.		
Bamberger		● Dulany		Lord	●	● Sollins			● Sosnowski		
● Bard		● Eckenrode		● Macdonald		Soul	●		● Stern		
● Barrick		● Finch		Malkus	●	● Storm			● Sybert		
Baumann●		● Fornos		● Marion		Taylor, H.E.			Taylor, L.		
● Beachley		Fox	●	Mason	●	● Ulrich			● Wagandt		
● Beall		Frederick	●	● Maurer		Vecera	●		● Webb		
Bennett ●		● Freedlander		● Mentzer		● Ritter			● Weidemeyer		
● Blair		● Gallagher		Miller, B.●		● Wheatley			● White		
● Boileau		● Gilchrist		Miller, E. ●		● Willis			● Willoner		
● Borom		Gill	●	● Mitchell		● Winslow					
● Bothe		● Gleason		● Morgan							
● Boyce		● Grant		● Moser							
● Boyer		● Groh		● Mosner							
● Boyles		● Grumbacher		● Mudd							
● Bradshaw		● Gullett		Murphy	●						
● Bryson		● Hanson		● Murray, D. S.							
● Burdette		Hardwick		● Murray, E. C.							
Burgess ●		● Hargrove		● Needle							
Bushong ●		● Harkness		● Neilson							
● Buzzell		● Harris		● Neumann							
● Byrnes		● Henderson		● Smith, A. W.							
Caldwell ●		● Hickman		● Pascal							
Cardin ●		● Hopkins		● Penniman							
● Carson		● Hostetter		● Peters							
Case ●		● Hutchinson		Powers	●						
● Chabot		Jett		Price	●						
● Child		● Johnson		● Pullen							
● Ciccone		Kahl		● Raley							

YEAS	N-V	NAYS	DEL. PRO.	COM. REC.	DATE:
● 100-200	100-200	● 100-200	1000	100	JAN. 2
● 0 0	0 0	● 0 0	2000	20	3
1 1	1 1	1 1	3000	30	1
2 2	2 2	2 2	4000	40	2
3 3	3 3	3 3	500	50	3
4 4	4 4	4 4	RESO.	60	4
5 5	5 5	5 5	2-R.	70	5
6 6	6 6	6 6	3-R.	80	6
7 7	7 7	7 7	QUO.	90	SEPT. 7
8 8	8 8	8 8	MOT.	90	OCT. 8
9 9	9 9	9 9		00	NOV. 9
					DEC. 0

Constitutional Convention

COMMITTEE RECOMMENDATION NO. GP-13

BY THE COMMITTEE ON GENERAL PROVISIONS,
Elroy G. Boyer, Chairman

January 2 , 1968.

Presented, read, and referred to the Committee of the Whole.

By order, IRA J. WAGONHEIM, Chief Clerk.

This Recommendation covers Delegate Proposals Nos.

TITLE

1 A RECOMMENDATION that the Constitution in-
2 clude a Schedule of Transitional Provisions and
3 that a Schedule of Legislation be attached to
4 the Constitution, which schedules shall read as
5 follows, respectively:

6

SCHEDULE OF TRANSITIONAL PROVISIONS

7 This schedule is a part of the Constitution
8 and the provisions contained herein are of the
9 same force and effect as those contained in
10 the numbered articles of this Constitution,
11 but differ only in that their effect is of
12 limited duration and expires in accordance
13 with their own terms. The grouping of sections
14 in this schedule under the titles of the var-
15 ious articles of this Constitution is intended
16 for convenience only and not as a limitation
17 on the applicability of the sections.
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GENERAL

Section 1. Definition.

In this schedule the words "prior Constitution" mean the Constitution of 1867 as amended.

Section 2. Incumbents.

10 Offices expressly established by the prior
11 Constitution shall exist only insofar as they
12 are provided for in this Constitution or by
13 law not in conflict with this Constitution.
14 Except as otherwise provided in this Constitu-
15 tion, persons holding such offices on June 30,
16 1968, shall continue in office until the office
17 ceases to exist or until the completion of the
18 term for which they have been elected or
19 appointed, whichever shall first occur. The
20 taking effect of this Constitution, or any pro-
21 vision thereof, shall not of itself affect the
22 tenure, term, status or compensation of any
23 person then holding any other public office,
24 position or employment in this State, except
25 as provided in this Constitution.

PERSONAL RIGHTS

Section 3. Delayed Effect of Certain Sections.

(a) The provisions of Section 1.16, insofar as they pertain to compensation for private property damaged for public use or purposes, shall not be effective until July 1, 1969.

(b) Nothing in Section 1.10 shall prevent a trial de novo in the Superior Court under a lawful appeal by the State from an acquittal in a court of limited jurisdiction; provided that the offense charged was committed prior to July 1, 1968, and that the trial in the court of limited jurisdiction took place prior to January 1, 1970.

(c) Section _____ (Sovereign Immunity) shall not be effective as to causes of action arising prior to January 1, 1970.

1 SUFFERAGE AND ELECTIONS

2
3 Section 4. Effect of Certain Sections.

4
5 Sections 2.10 through 2.13 shall be effective
6 as to laws enacted on or after July 1, 1968.
7 Laws enacted prior to July 1, 1968, shall be
8 subject to referendum pursuant to the provisions
9 of the prior Constitution.

10
11 Section 5. Delayed Effect of Section 2.06.

12
13 Section 2.06 shall become effective July 1,
14 1969.

15
16 Section 6. Referendum for Public Local
17 Laws.

18
19 Prior to January 6, 1971, a public local law
20 for any one county shall be referred only to the
21 people of said county upon a referendum petition
22 of ten percent of the qualified voters of the
23 county calculated upon the total number of votes
24 cast therein for governor at the last preceding
25 gubernatorial election.

26
27 LEGISLATIVE BRANCH

28
29 Section 7. Delayed Effect of Certain
30 Sections.

31
32 Sections 3.03 and 3.07 shall become effective
33 on the second Wednesday in December 1970, but
34 candidates standing for election to the General
35 Assembly in the election of November 1970 shall
36 be qualified as required by Section 3.07 and shall
37 stand for election in districts selected pursuant
38 to Section 3.03.

1 Section 8. Redistricting.

2
3 The redistricting of seats for the Senate
4 and House of Delegates for the election of
5 November 1970 shall be based on those most
6 recent official determinations of state popula-
7 tion prescribed by the General Assembly by law.
8 This redistricting shall be accomplished in
9 accordance with Sections 3.04, 3.05 and 3.06.

10
11 EXECUTIVE BRANCH

12
13 Section 9. Election of Officers.

14
15 The first general election of governor,
16 lieutenant governor, attorney general and comp-
17 troller under this Constitution shall be on
18 November 3, 1970.

19
20 Section 10. Terms of Office of Incumbents.

21
22 The terms of office of the governor, attorney
23 general, comptroller and treasurer in office on
24 June 30, 1968, respectively, shall continue until
25 January 6, 1971, and, except in the case of the
26 treasurer, until their respective successors shall
27 have qualified.

28
29 Section 11. Lieutenant Governor.

30
31 The office of lieutenant governor shall remain
32 vacant until January 6, 1971.

33
34 Section 12. Vacancies in the Office of
35 Governor.

36
37 Sections 6 and 7 of Article II of the prior
38 Constitution shall continue in effect until
39 January 6, 1971.

40
41 Section 13. Initial Organization.

42
43 The initial allocation of offices, agencies
44 and instrumentalities, among and within princi-
45 pal departments by law pursuant to Section
46 4.26 of this Constitution, shall be completed
47 by the General Assembly by June 30, 1970. If
48 such allocation is not completed by June 30,
49 1970, the governor prior to January 6, 1971,
50 shall make the initial allocation by executive
51 order. Such executive order shall have the

1 force of law without being subject to dis-
2 approval by the General Assembly.

3
4 Section 14. Board of Public Works.

5
6 The rights, powers and duties vested in the
7 Board of Public Works by the prior Constitu-
8 tion shall continue to be so vested until
9 January 6, 1971.

10
11 Section 15. Delayed Effect of Certain
12 Sections.

13
14 Sections 4.06 through 4.11, Section 4.20,
15 and Section 4.25 shall become effective January
16 6, 1971. Sections 4.26 through 4.31 shall
17 become effective upon the completion of the
18 initial allocation of offices, agencies and
19 instrumentalities, among and within principal
20 departments by law pursuant to Section 13 of
21 this schedule.

22
23 JUDICIAL BRANCH

24
25 Section 16. Judicial Power.

26
27 Section 5.01 shall not become effective as
28 to the District Court until January 1, 1970.
29 The judicial power vested in the Orphans'
30 Courts as of June 30, 1968, shall continue
31 until January 1, 1971. The judicial power
32 vested in the justices of the peace, People's
33 Courts, Municipal Courts and the Housing Court
34 of Baltimore County as of June 30, 1968, shall
35 continue until January 1, 1970. Each of such
36 justices of the peace and each of such courts
37 other than the Orphans' Courts shall have until
38 January 1, 1970, and the Orphans' Courts shall
39 have until January 1, 1971, the powers and
40 jurisdiction vested in each of them, respectively,
41 on June 30, 1968, subject to such changes as
42 the General Assembly may prescribe by law.

43
44 Section 17. Pending Causes - Appellate
45 Courts and Trial Courts of
46 General Jurisdiction.

47
48 All matters pending on June 30, 1968, in (a)
49 the Court of Appeals, (b) the Court of Special
50 Appeals, and (c) the Circuit Court for any

1 county, the Superior Court of Baltimore City,
2 the Court of Common Pleas, the Baltimore City
3 Court, the Criminal Court of Baltimore City,
4 the Circuit Court of Baltimore City, the Circuit
5 Court No. 2 of Baltimore City, and the Supreme
6 Bench of Baltimore City shall be decided or
7 otherwise disposed of, respectively, in (a)
8 the Court of Appeals created by this Constitu-
9 tion, (b) the Intermediate Appellate Court, and
10 (c) the Superior Court in the county in which
11 the matter was pending on June 30, 1968, unless
12 lawfully removed therefrom.

13

14 Section 18. Pending Causes - Courts of
15 Limited Jurisdiction.

16

17 The first sentence of Section 5.10, all of
18 Section 5.11 and all of Section 5.12 shall be-
19 come effective on January 1, 1970. Any matter
20 pending on December 31, 1969, before a justice
21 of the peace or any People's Court or Municipal
22 Court or in the Housing Court of Baltimore
23 County shall be decided or otherwise disposed
24 of in the District Court in the County in which
25 the matter was pending on December 31, 1969,
26 unless thereafter lawfully removed.

27

28 Section 19. Uniform Jurisdiction.

29

30 The third sentence of Section 5.08 and the
31 second sentence of Section 5.10 shall become
32 effective January 1, 1971, except as to matters
33 then pending. Until January 1, 1971, the pro-
34 visions of the second paragraph of Article IV,
35 Section 20, of the prior Constitution shall
36 remain in effect.

37

38 Section 20. Continuance in Judicial Office.

39

40 Each judge of (a) the Court of Appeals, (b)
41 the Court of Special Appeals, and (c) the first
42 and second judicial circuits, the Circuit Courts
43 for the counties, and the Supreme Bench of
44 Baltimore City, in office on June 30, 1968,
45 shall continue in office as a judge, respectively,
46 of (a) the Court of Appeals created by this Con-
47 stitution, (b) the Intermediate Appellate Court,
48 and (c) the Superior Court, for the balance of
49 the term for which he was appointed or elected,
50 unless sooner removed, retired or convicted

1 after impeachment pursuant to the provisions
2 of this Constitution.

3

4 Section 21. Continuance in Office - Chief
5 Judges of Appellate Courts.

6

7 The chief judge of the Court of Appeals and
8 the chief judge of the Court of Special Appeals
9 in office on June 30, 1968, shall be the chief
10 judge, respectively, of the Court of Appeals
11 created by this Constitution, and of the Inter-
12 mediate Appellate Court for the remainder of
13 his service on such court, or until he resigns
14 the office of chief judge.

15

16 Section 22. Continuance in Office - Judges
17 of Orphans' Courts.

18

19 Each judge of an Orphans' Court in office
20 on June 30, 1968, shall continue in office as
21 a judge of such Orphans' Court until January 1,
22 1971, unless sooner removed or convicted after
23 impeachment pursuant to the provisions of this
24 Constitution.

25

26 Section 23. Continuance in Office - Judges
27 of Limited Jurisdiction.

28

29 Each full-time judge of the People's Court
30 of Baltimore City, the Municipal Court of Balti-
31 more City, and of the People's Courts of Anne
32 Arundel, Cecil, Montgomery, Prince George's
33 and Wicomico Counties who is in office on Dec-
34 ember 31, 1969, shall continue in office as a
35 judge of the District Court for the balance of
36 the term for which he was appointed or elected,
37 unless previously removed, retired or convicted
38 after impeachment pursuant to the provisions
39 of this Constitution; provided, however, that
40 the term of any such judge whose term as such
41 would, but for this section, have continued
42 beyond December 31, 1969, but who shall be
43 ineligible for appointment as a judge of the
44 District Court under this Constitution, shall
45 expire on December 31, 1969. Every other
46 justice of the peace designated as trial magis-
47 trate or committing magistrate, municipal justice
48 of the peace or magistrate, every other judge
49 of a People's Court and each judge of the
50 Housing Court of Baltimore County who is in

1 office on July 1, 1968, shall continue in
2 office until December 31, 1969, on which latter
3 date his term shall expire.

4
5 Section 24. Judicial Qualifications.

6
7 Except as specifically provided below, until
8 January 1, 1970, Section 5.14 shall apply only
9 to judges of the Court of Appeals, the Inter-
10 mediate Appellate Court, and the Superior Court.

11
12 Section 25. Filling Vacancy in Court of
13 Appeals, Intermediate Appellate
14 Court or Superior Court.

15
16 Sections 5.15-5.21 shall become effective on
17 July 1, 1969. Prior to that date, any vacancy
18 in the office of judge of the Court of Appeals,
19 the Intermediate Appellate Court, or the Superior
20 Court for any reason other than expiration of
21 the term of office, shall be filled by appoint-
22 ment by the governor of a person qualified under
23 Section 5.14 of this Constitution to fill such
24 office. Each person so appointed shall be sub-
25 ject to continuance in office by the procedures
26 and for the term prescribed by Section 5.22 of
27 this Constitution.

28
29 Section 26. Filling Vacancy in Courts
30 of Limited Jurisdiction.

31
32 Prior to January 1, 1970, any vacancy occurring
33 in the office of judge of the Municipal Court
34 of Baltimore City, the People's Court of Balti-
35 more City, or the People's Court for Anne Arun-
36 del, Cecil, Montgomery, Prince George's or
37 Wicomico Counties for any reason other than
38 expiration of term shall be filled by the gov-
39 ernor by appointment of a person qualified under
40 Section 5.14 to fill judicial office, except that
41 he shall be a resident of the county in which
42 the vacancy exists. Each person so appointed
43 shall be subject to continuance in office by
44 the procedures and for the term prescribed by
45 Section 5.22 of this Constitution. Prior to
46 January 1, 1970, any vacancy occurring for any
47 reason in the office of judge of any other People's
48 Court, Municipal

49
50

1 Court or the Housing Court of Baltimore County,
2 or the office of any substitute or part-time
3 People's Court judge in any county or in the
4 office of justice of the peace shall be filled
5 by the governor by appointment of a person
6 qualified to fill such office under the law
7 creating the office or under Section 5.14 of
8 this Constitution. Each such appointment shall
9 be for a term expiring December 31, 1969.

10

11 Section 27. Application of Section 5.22
12 to Judges Now in Office.

13

14 Every judge of the Court of Appeals, the
15 Intermediate Appellate Court, Superior Court,
16 the Municipal Court of Baltimore City, the
17 People's Court of Baltimore City, the People's
18 Courts of Anne Arundel, Cecil, Montgomery,
19 Prince George's or Wicomico Counties whose term
20 expires on or after July 1, 1968, and prior to
21 the general election in November, 1968, shall
22 have his term extended until such election.
23 Each such judge who is required to stand for
24 retention in judicial office at that election
25 shall do so pursuant to the provisions of and
26 for the term prescribed by Section 5.22 of this
27 Constitution. Any People's or Municipal Court
28 judge subject to this section shall be subject
29 to approval or rejection by the electorate of
30 the county or Baltimore City in which he would
31 have been required to stand for election under
32 the law in effect on June 30, 1968.

33

34 Section 28. Election of Judges Continued
35 in Office.

36

37 Any judge of any court continued in office
38 pursuant to this schedule shall stand for re-
39 tention in office at the expiration of his
40 term pursuant to and for the term prescribed
41 by Section 5.22 upon the expiration of his
42 term as provided in this schedule. If the
43 term of any such judge expires in a year in
44 which there is no general election, his term
45 shall be extended until the next general elec-
46 tion.

47

48

49

50

1 Section 29. Applicability of Section 5.23.

2
3 Section 5.23 shall not apply to any judge of
4 the Orphans' Court, or of any People's Court,
5 except full-time judges of People's Courts in
6 Baltimore City and Anne Arundel, Cecil, Montgom-
7 ery, Prince George's and Wicomico Counties, and
8 the judges of the Municipal Court of Baltimore City,
9 nor shall it apply to any justice of the peace.

10 Section 30. Judicial Compensation.

11
12 Except for its second and last sentences, Sec-
13 tion 5.24 shall not apply to any judge of any
14 People's Court, the Municipal Court of Baltimore
15 City, the Housing Court of Baltimore County, the
16 Orphans' Court, nor to any justice of the peace,
17 provided, however, that between July 1, 1968, and
18 January 1, 1970, the General Assembly may provide
19 by law for uniform compensation and pension rights
20 for full-time judges of the Municipal Court of
21 Baltimore City and of the People's Courts of Balt-
22 imore City and of Anne Arundel, Cecil, Montgomery,
23 Prince George's and Wicomico Counties, and their
24 respective spouses.

25
26 Section 31. Restriction of Non-Judicial
27 Activities.

28
29
30 Section 5.25 shall not apply to judges of
31 the Orphans' Court, justices of the peace or
32 judges of any People's Court, except for full-
33 time judges of the Municipal Court of Baltimore
34 City, of the People's Court in Baltimore City,
35 and of the People's Courts of Anne Arundel,
36 Cecil, Montgomery, Prince George's and Wicomico
37 Counties. Until January 1, 1970, the provisions
38 of Article 33 of the Declaration of Rights of
39 the prior Constitution shall remain in effect
40 as to any judge or justice of the peace not
41 subject to Section 5.25.

42
43 Section 32. Commission on Judicial
44 Disabilities.

45
46 The provisions of Section 5.26 providing that
47 a judge of the District Court shall be a member
48 of the Commission on Judicial Disabilities shall
49 not become effective until January 1, 1970. Prior
50 to that date, the Court of Appeals shall appoint

1 one of the full-time judges of the Municipal
2 Court of Baltimore City or the People's Court
3 of Baltimore City, or the People's Court of
4 Anne Arundel, Cecil, Montgomery, Prince George's
5 or Wicomico Counties as a member of the Commis-
6 sion on Judicial Disabilities. If such member
7 is continued in office on January 1, 1970, as
8 a judge of the District Court and if his term
9 on the Commission on Judicial Disabilities has
10 not expired, he shall remain in office as a
11 member of the Commission on Judicial Disabili-
12 ties for the balance of his term. If he shall
13 not be continued in office, or if his term
14 shall have expired on January 1, 1970, the
15 office shall be vacant on that date.

16

17 Section 33. Clerks of Trial Courts.

18

19 The clerk of the Superior Court of Baltimore
20 City and of the Circuit Court for each county
21 in office on June 30, 1968, shall become respec-
22 tively the clerk of the Superior Court in Balt-
23 imore City or in that county, as the case may
24 be. The clerks of the Court of Common Pleas,
25 the Baltimore City Court, the Criminal Court
26 of Baltimore, the Circuit Court of Baltimore
27 City, and the Circuit Court No. 2 of Baltimore
28 City in office on June 30, 1968, shall each
29 become a chief deputy clerk of the Superior
30 Court in Baltimore City. Each such Superior
31 Court clerk, and each chief deputy clerk men-
32 tioned above, shall hold office for the bal-
33 ance of the term for which he was originally
34 elected, or appointed, subject only to removal
35 pursuant to the provisions of the Constitution
36 or law in effect June 30, 1968. Each full-
37 time clerk of a justice of the peace designated
38 trial magistrate, of a Municipal Court or of a
39 People's Court, and the chief constable of the
40 People's Court of Baltimore City in office on
41 December 31, 1969, shall become a deputy clerk
42 of the District Court.

43

44 Section 34. Registers of Wills.

45

46 The constitutional office of register of
47 wills shall terminate on January 1, 1971.
48 Until that date, the provisions of Article IV,
49 Section 41, of the prior Constitution shall
50 remain in effect.

1 Section 35. Sheriffs.

2
3 The constitutional office of sheriff shall
4 terminate on January 6, 1971. Until that date,
5 the provisions of Article IV, Section 44, of
6 the prior Constitution shall remain in effect.

7
8 Section 36. Costs of Judicial System.

9
10 Except with respect to judicial compensation
11 and pensions as provided for in Section 30 of
12 this schedule and in Section 5.25 of this Con-
13 stitution, Section 5.33 of this Constitution
14 shall not become effective until January 1,
15 1970.

16
17 LOCAL GOVERNMENT

18
19 Section 37. Delayed Effect of Certain
20 Sections.

21
22 The provisions of Section 3.23 insofar as
23 they relate to counties, and all of Section 7.04,
24 shall not be effective until January 6, 1971,
25 unless simultaneously made effective for all
26 counties by the General Assembly at an earlier
27 date.

28
29 Section 38. Adoption of Instrument
30 of County Government.

31
32 Prior to July 1, 1969, the General Assembly
33 shall prescribe by law a choice of procedures by
34 which an instrument of government of a county
35 may be proposed. The proposed instrument of
36 government shall be submitted to the voters of
37 the county and shall be adopted if approved by
38 a majority of those voting on the proposal.
39 Prior to July 1, 1970, the General Assembly shall
40 prescribe by law an instrument of government
41 which shall, without further action, become
42 effective on January 6, 1971, for those counties
43 which have failed to adopt by July 1, 1970, an
44 instrument of government effective no later than
45 January 6, 1971. The charter adopted by any
46 county pursuant to the provisions of the prior
47 Constitution shall be without further act the
48 instrument of government for that county;
49 provided that any procedure to obtain a charter
50 or instrument of government commenced pursuant

1 to the prior Constitution must be completed
2 prior to July 1, 1970, and the instrument of
3 government so adopted must be effective no
4 later than January 6, 1971.

5

6 Section 39. Interim Restriction Upon
7 Public Local Law.

8

9 From and after the effective date of a
10 county's instrument of government, no law
11 applicable only to that county shall be
12 enacted by the General Assembly for that county
13 on any subject covered by the express powers
14 granted to such county by the General Assembly
15 by law. The effectiveness of this section shall
16 terminate on January 6, 1971, or on any earlier
17 date that Sections 3.23 and 7.04 shall be made
18 fully effective by the General Assembly by law.

19

20 Section 40. Powers of Baltimore City to
21 Issue Bonds.

22

23 Except as provided in Section 41, the powers
24 of Baltimore City to borrow money on the faith
25 and credit of the City and to issue bonds or
26 other evidences of indebtedness therefor shall
27 be subject only to such limitations and re-
28 strictions as to the amount or method of
29 issuance as may be applicable at the time of
30 such issuance to all counties which have
31 adopted an instrument of government, but
32 nothing herein shall authorize the City to
33 issue any bonds except pursuant to an ordin-
34 ance submitted to the qualified voters approved
35 by a majority of those voting on the question.
36 The effectiveness of this section shall terminate
37 on the effective date of Section 7.04.

38

39 STATE FINANCE AND TAXATION

40

41 Section 41. Delayed Effect of Certain
42 Sections.

43

44 Sections 6.04, 6.05, 6.06 and 6.16 shall
45 become effective July 1, 1969. Except insofar
46 as Section 6.07 is inconsistent with it, Article
47 III, Section 34, of the prior Constitution shall
48 remain in effect until July 1, 1969.

49
50

1 Section 42. Law Governing Bonds.

2 All bonds and other evidences of indebt-
3 edness authorized by the General Assembly or
4 by any local legislative body prior to the
5 effective date of this Constitution shall be
6 governed by the constitutional provisions and
7 laws in effect at the time of authorization.
8

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1 SCHEDULE OF LEGISLATION

2
3 This Schedule takes effect under the auth-
4 ority of Chapter 4, Section 17, of the Acts of
5 1967, and under the authority of its adoption
6 by the people of Maryland together with the Con-
7 stitution to which it is attached. Provisions
8 contained in this Schedule may be amended or
9 repealed by the General Assembly by law. The
10 grouping of sections of this Schedule under
11 titles referring to the numbered Articles of
12 the Constitution is intended for convenience
13 and not as a limitation on the applicability of
14 the sections.

15
16 PERSONAL RIGHTS

17
18 Section 1. Exception to Limitation for
19 Notaries Public.

20
21 A person may hold office as notary public at
22 the same time that he holds another office of
23 profit created by the Constitution or laws of
24 this State.

25
26 SUFFERAGE AND ELECTIONS

27
28 Section 2. Petition Requirements.

29
30 A referendum petition may consist of several
31 papers, but each paper shall contain the full
32 text of the act or part of act petitioned upon;
33 and there shall be attached to each such paper
34 an affidavit of the person procuring the sig-
35 natures thereon that of the said person's own
36 personal knowledge every signature thereon is
37 genuine and bona fide, and that the signers are
38 registered voters of the State of Maryland, and
39 county, as the case may be, as set opposite their
40 names, and no other verification shall be re-
41 quired.

42
43 Section 3. Interim Provisions for Dis-
44 qualifications from Voting.

45
46 No person convicted of larceny, or other in-
47 famous crime, unless pardoned by the governor,
48 shall be entitled to vote at any election in
49 this State; and no person under guardianship as
50 a lunatic, or, as a person non compos mentis,
51 shall be entitled to vote. The effect of this
52 section shall terminate July 1, 1969.

1 Section 4. Procedure for Retention in
2 Office of Judges.

3
4 The procedure for approval or rejection of
5 the continuance in office of a judge required
6 to stand for election under Section 5.22 of the
7 Constitution shall be as follows:

8
9 (a) Each candidate for continuance in office
10 as judge shall file a certificate of candidacy
11 with the Secretary of State. Such certificate
12 shall be filed not less than ninety days prior
13 to the date of the election at which the judge's
14 retention or rejection is to be determined. The
15 filing fee shall be \$25.00.

16
17 (b) Not less than sixty days before any such election, the Secretary of State shall certify
18 to the Board of Elections Supervisors of such
19 county or counties, (including Baltimore City),
20 the voters of which are entitled to vote on the
21 continuance in office of such judge, the name
22 and residence of such judge, and the court in
23 which he seeks to be retained.

24
25 (c) Each such Board shall include on the
26 ballots prepared by it pursuant to Section
27 16-4, Art. 33, Annotated Code of Maryland, the
28 following questions with respect to each judicial candidate certified to it by the Secretary
29 of State:

30
31 Shall Judge Name of candidate be retained in
32 office as a judge of the name of court? Yes No
33
34

35 (d) No such judge shall be required to run in
36 a primary election nor shall his political
37 affiliation appear on the ballot.

38
39 (e) Provisions of the election laws not
40 inconsistent with the foregoing shall apply to
41 judicial elections.

42 · LEGISLATIVE BRANCH

43 Section 5. Salary of Members of the
44 General Assembly.

1 Each member of the General Assembly shall
2 receive an annual salary of Eight Thousand Dol-
3 lars, accounting from July 1, 1968 and payable
4 bi-weekly.

5
6 Section 6. Vacancies Occurring During
7 Present Term of the General
8 Assembly.

9
10 (a) In case of death, disqualification, res-
11 ignation, refusal to act, expulsion, or removal
12 from the county or city for which he shall have
13 been elected, of any person who shall have been
14 chosen as a delegate or senator, or in case of
15 a tie between two or more such qualified persons,
16 the governor shall appoint a person whose name
17 shall be submitted to him in writing, within
18 thirty days after the occurrence of the vacancy,
19 by the State Central Committee of the political
20 party with which the delegate or senator, so
21 vacating, had been affiliated in the county or
22 district from which he or she was elected, pro-
23 vided that the appointee shall be of the same
24 political party as the person whose office is to
25 be filled; and it shall be the duty of the gov-
26 ernor to make said appointment within fifteen
27 days after the submission thereof to him. If a
28 name is not submitted by the State Central Com-
29 mittee within thirty days after the occurrence
30 of the vacancy, the governor within another per-
31 iod of fifteen days shall appoint a person, who
32 shall be of the same political party as the per-
33 son whose office is to be filled, and who is
34 otherwise properly qualified to hold the office
35 of delegate or senator in the district or county.
36 In every case when any person is so appointed by
37 the Governor, his appointment shall be deemed
38 to be for the unexpired term of the person whose
39 office has become vacant.

40
41 (b) In addition, and in submitting a name to
42 the governor to fill a vacancy in a senatorial
43 district or subdistrict, as the case may be, in
44 any of the twenty-three counties of Maryland,
45 the State Central Committee or committees shall
46 follow these provisions:

47 (1) If the vacancy occurs in a district
48 or subdistrict having the same boundaries as a
49 county, the State Central Committee of the
50 county shall submit the name of a resident of

1 the district or subdistrict.

2 (2) If the vacancy occurs in a district
3 or subdistrict which has boundaries comprising
4 a portion of one county, the State Central Com-
5 mittee of that county shall submit the name of
6 a resident of the district or subdistrict.

7
8 (3) If the vacancy occurs in a district
9 or subdistrict which has boundaries comprising
10 a portion or all of two or more counties, the
11 State Central Committee of each county involved
12 shall have one vote for submitting the name of
13 a resident of the district or subdistrict; and
14 if there is a tie vote between or among the
15 State Central Committees, the list of names
16 there proposed shall be submitted to the gov-
17 ernor, and he shall make the appointment from
18 the list.

19
20 Section 7. Procedure for Enactment of
21 Law.

22
23 Every bill, when passed by the General Assem-
24 by, and sealed with the Great Seal, shall be
25 presented to the governor, who, if he approves
26 it, shall sign the same in the presence of the
27 presiding officers and chief clerks of the Sen-
28 ate and House of Delegates. Every law shall be
29 recorded in the office of the Court of Appeals,
30 and in due time, be printed, published and cer-
31 tified under the Great Seal to the several courts,
32 in the same manner as has been heretofore usual
33 in this State.

34
35 EXECUTIVE BRANCH

36
37 Section 8. Salary of Governor.

38
39 The governor shall receive an annual salary
40 of Forty Thousand Dollars, accounting from
41 July 1, 1968 and payable bi-weekly.

42
43 Section 9. Appointment of Officers by
44 Governor.

45
46 The governor shall nominate, and, by and with
47 the advice and consent of the Senate, appoint all
48 civil and military officers of the State whose
49 appointment or election is not otherwise pro-
50 vided for in the Constitution, unless a different

1 mode of appointment be prescribed by the law
2 creating the office.

3

4 Section 10. Removal of Officers by
5 Governor.

6

7 The governor may suspend or arrest any mil-
8 itary officer of the State for disobedience of
9 orders, or other military offense; and may re-
10 move him in pursuance of the sentence of a
11 Court-Martial; and may remove for incompetency,
12 or misconduct, all civil officers who received
13 appointment from the executive for a term of
14 years.

15

16 Section 11. Secretary of State.

17

18 The secretary of state shall carefully keep
19 and preserve a record of all official acts and
20 proceedings, which may at all times be inspected
21 by a committee of either branch of the legisla-
22 ture; and he shall perform such other duties as
23 may properly belong to his office.

24

25 Section 12. State's Attorneys.

26

27 In the case of a vacancy in the office of
28 state's attorney, or of his removal from the
29 county or city in which he shall have been
30 elected, the said vacancy shall be filled by
31 the judge or judges of the Superior Court res-
32 ident in the county in which the vacancy occurs,
33 or in Baltimore City if the vacancy occurs there,
34 for the residue of the term thus made vacant.

35

36 Section 13. Treasurer and Comptroller.

37

38 Until January 6, 1971, the Treasurer and the
39 Comptroller shall continue to exercise those
40 rights, powers and duties pertaining to them,
41 respectively, on June 30, 1968 and not in con-
42 flict with the Constitution.

43

44 Section 14. Board of Public Works and
45 Board of Review.

46

47 Upon the termination of the legal existence
48 of the Board of Public Works for which provi-
49 sion is made in Article XII of the prior Con-
50 stitution, all its powers and duties shall be

1 vested in the Board of Review for which pro-
2 vision is made in Article IV of this Constitu-
3 tion; and all references to the Board of Public
4 Works in legislation, contracts, or documents
5 shall be deemed to refer to the Board of Review
6 as well as to the Board of Public Works. Prior
7 to termination of the legal existence of the
8 Board of Public Works, it shall continue to
9 exercise those rights, powers, and duties granted
10 to it by Article XII of the prior Constitution.

JUDICIAL BRANCH

Section 15. Courts of Record.

Each court created by this Constitution shall be a court of record, and shall have a seal.

Section 16. Statutory References to Courts.

Except where inconsistent with this Constitution, the Schedule of Transitional Provisions, or this Schedule:

(a) All statutory references to the Court of Appeals shall be deemed to refer to the Court of Appeals established by this Constitution.

(b) All statutory references to the Court of Special Appeals shall be deemed to refer to the Intermediate Appellate Court.

(c) All statutory references to Circuit Courts, courts for any circuit or county (other than People's Courts, Municipal Courts, or the Housing Court of Baltimore County), the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Criminal Court of Baltimore City, the Circuit Court of Baltimore City or the Circuit Court No. 2 of Baltimore City shall be deemed to refer to the Superior Court in the appropriate county or Baltimore City.

Section 17. Appellate Circuits.

48 There shall be six circuits of the Court of
49 Appeals, as follows: The First Appellate Cir-
50 circuit, consisting of Cecil, Kent, Queen Anne's,

1 Caroline, Talbot, Dorchester, Wicomico, Worcester
2 and Somerset Counties; the Second Appellate Cir-
3 circuit, consisting of Baltimore and Harford Counties;
4 the Third Appellate Circuit, consisting of Allegany,
5 Frederick, Garrett, Montgomery and Washington
6 counties; the Fourth Appellate Circuit, consisting
7 of Prince George's, Calvert, Charles and St. Mary's
8 Counties; the Fifth Appellate Circuit, consisting
9 of Anne Arundel, Carroll and Howard Counties; and
10 the Sixth Appellate Circuit, consisting of Balti-
11 more City. One of the judges of the Court of
12 Appeals shall be resident in each of the first
13 five appellate circuits and two judges shall be
14 resident in the sixth appellate circuit.

15
16 Section 18. Judicial Circuits.

17
18 Wherever any statute refers to a judicial cir-
19 cuit, to the courts of such circuit or to the
20 judges of or in such circuit, it shall be deemed
21 to refer to the Superior Court or the judges of
22 the Superior Court resident in the geographical
23 area prescribed for that circuit by Article IV,
24 Section 19, of the prior Constitution.

25
26 Section 19. Jurisdiction of Superior
27 Court in Baltimore City.

28
29 The jurisdiction vested in the Superior Court
30 Court of Baltimore City, the Court of Common
31 Pleas, the Baltimore City Court, the Circuit
32 Court of Baltimore City, and the Criminal Court
33 of Baltimore by Article IV, Sections 28 - 29,
34 and 30 of the prior Constitution shall be
35 vested in the Superior Court in Baltimore City.

36
37 Section 20. Duties of Clerk of Superior
38 Court in Baltimore City.

39
40 The duties vested in the various clerks of
41 the courts comprising the Supreme Bench of
42 Baltimore City by Sections 37 and 38 of Art-
43 icle IV of the prior Constitution shall be
44 vested in the clerk of the Superior Court in
45 Baltimore City.

46
47 Section 21. Judicial Salaries.

48
49 (a) Judges of Court of Appeals.
50 The salary of a judge of the Court of

1 Appeals is thirty-five thousand dollars (\$35,000)
2 per annum.

3
4 (b) Judges of Intermediate Appellate Court.
5 The salary of a judge of the Intermediate
6 Appellate Court is thirty-two thousand five
7 hundred dollars (\$32,500) per annum.

8
9 (c) Judges of Superior Court.
10 The salary of a judge of the Superior
11 Court is thirty thousand dollars (\$30,000) per
12 annum.

13
14 (d) Judges of District Court.
15 The salary of a judge of the District
16 Court is twenty-two thousand dollars (\$22,000)
17 per annum.

18
19 (e) Computation of salary.
20 The annual salaries above provided for
21 shall be computed from July 1, 1968, except
22 that District Court judges' salaries shall be
23 computed from January 1, 1970. The salaries
24 shall be payable bi-weekly.

25
26 (f) Retired judges.
27 A retired judge temporarily authorized
28 to perform judicial duties pursuant to Section
29 5.23 of the Constitution shall receive, for the
30 period of such temporary service, an amount equal
31 to the difference between the salary paid a judge
32 of the court to which he is assigned and the pen-
33 sion he is then receiving.

34
35 Section 22. Judicial Pensions.

36
37 (a) Judges of Court of Appeals.
38 The pension of a judge of the Court of
39 Appeals is calculated at the rate of one thou-
40 sand three hundred dollars (\$1,300) per annum
41 for each year, or any part thereof, of active
42 service as a member of said court, but in no
43 event shall the maximum pension for such ser-
44 vice exceed the sum of twenty-three thousand
45 three hundred thirty-three dollars and thirty-
46 three cents (\$23,333.33) per annum. Except for
47 a judge who retires because of incapacitating
48 illness, no pension shall be paid to any person
49 until (a) his active service as a judge has ter-
50 minated and (b) he has reached his sixtieth

1 birthday.

(b) Judges of Intermediate Appellate Court.
The pension of a judge of the Intermediate Appellate Court is calculated at the rate of one thousand two hundred twenty-five dollars (\$1,225.00) per annum for each year, or any part thereof, of active service as a member of said court, but in no event shall the maximum pension for such service exceed the sum of twenty-one thousand six hundred sixty-six dollars and sixty-six cents (\$21,666.66) per annum. Except for a judge who retires because of incapacitating illness, no pension shall be paid to any person until (a) his active service as a judge has terminated and (b) he has reached his sixtieth birthday.

(c) Judges of Superior Court.
The pension of a judge of the Superior Court is calculated at the rate of one thousand one hundred twenty-five dollars (\$1,125.00) per annum for each year, or any part thereof, of active service as a member of said court, but in no event shall the maximum pension for such service exceed the sum of twenty thousand dollars (\$20,000.00) per annum. Except for a judge who retires because of incapacitating illness, no pension shall be paid to any person until (a) his active service as a judge has terminated and (b) he has reached his sixtieth birthday.

1 (d) Judges of District Court.

2
3 The pension of a judge of the District
4 Court is calculated at the rate of eight hundred
5 twenty-five dollars (\$825.00) per annum for each
6 year, or any part thereof, of active service as
7 a member of said court, but in no event shall
8 the maximum pension for such service exceed the
9 sum of fourteen thousand six hundred sixty-six
10 dollars and sixty-six cents (\$14,666.66) per
11 annum. Except for a judge who retires because
12 of incapacitating illness, no pension shall be
13 paid to any person until (a) his active service
14 as a judge has terminated and (b) he has reached
15 his sixtieth birthday.

16
17 (e) All judges.

18
19 (1) In the case of a judge who in
20 one year had active service as a member of more
21 than one court including a court existing under
22 provisions of the prior Constitution, the amount
23 of pension for that full year shall be calculated
24 yearly at the rate for service in that court for
25 which the higher pension is allowed, but in no
26 event shall the maximum pension exceed that pre-
27 scribed for judges of the court upon which the
28 judge is serving at death or retirement, nor
29 shall a judge be credited with more than one
30 partial year's service in a single year.

31
32 (2) In the case of a judge who has
33 served as a member of more than one court,
34 including a court existing under provisions of
35 the prior Constitution, all such service shall
36 be credited for pension purposes at the rate
37 provided by the law in effect during such ser-
38 vice, including any local supplementation or
39 local pension provided prior to July 1, 1968,
40 but in no event shall the maximum pension exceed
41 that prescribed for judges of the court upon
42 which the judge is serving at death or retirement.

43
44 (3) A judge who because of incapaci-
45 tating illness retires from his position prior
46 to reaching his sixtieth birthday is entitled
47 to benefits under the provisions of this section
48 immediately upon his retirement, but in no event
49 in a sum greater than was provided at the time
50 when he retired.

1 (f) Judges Not Continued in Office.

2
3 Any judge not continued in office as
4 a judge pursuant to the Schedule of Transitional
5 Provisions shall, upon the termination of his
6 office, be entitled to receive a pension in an
7 amount equal to that which he would have been
8 entitled to receive had he attained his sixtieth
9 birthday and retired on the date of abolition of
10 his office. Such pension shall not be payable
11 until the judge reaches his sixtieth birthday.
12

13 Section 23. Pensions of Spouses of
14 Judges.

16 (a) The spouse of every judge who dies in
17 active service shall be paid one-half of the pen-
18 sion to which such judge would have been entitled
19 on the date of his death if he had retired on
20 said date irrespective of whether he shall have
21 attained the age of sixty at the date of his death.
22

23 (b) The spouse of every judge who dies after
24 retiring shall be paid one-half of the pension
25 which such judge was receiving at the date of his
26 death or to which such judge would have been entitled
27 on the date of his death notwithstanding that such
28 judge may, on the date of his death, have been
29 engaged in the practice of law or have been holding
30 a public office of profit.

32 (c) The spouse of every judge who dies after
33 abolition of his office shall be paid one-half of
34 the pension which such judge was receiving at the
35 date of his death or to which such judge would have
36 been entitled on the date of his death, notwithstanding
37 that such judge may, on the date of his death, have
38 been engaged in the private practice of law or have
39 been holding a public office of profit.
40

41 (d) A spouse who is entitled to a pension
42 under the provisions of this section shall be
43 paid for the period of her life unless she remarries,
44 in which event the pension is to cease and terminate.
45

46 Section 24. Pensions of Former Judges.

48 In the case of a former judge who is receiv-
49 ing a judicial pension on July 1, 1968, or who
50 would then be receiving such a pension but for

1 the fact that he is then engaged in the
2 private practice of law or is then holding a
3 public office of profit, or in the case of the
4 spouse of such former judge, judicial pension
5 rights shall not be reduced. Such judicial
6 pension rights shall not be increased except
7 by the General Assembly by law effective on or
8 after July 1, 1968. The full amount of any
9 such pension payable to a former judge of the
10 Court of Appeals, the Court of Special Appeals,
11 the Supreme Bench of Baltimore City, or of any
12 Circuit Court, or his spouse, shall be paid by
13 the State on and after July 1, 1968. The full
14 amount of any such pension payable to any other
15 former judge or his spouse shall be paid by the
16 State on and after January 1, 1970.
17

18 Section 25. Terms of Initial Members
19 of Commission on Judicial
20 Disabilities.

22 Of the first three judicial members of the
23 Commission on Judicial Disabilities, the Court
24 of Appeals shall designate one to serve for one
25 year, one to serve for two years and one to serve
26 for three years. Of the first non-judicial mem-
27 bers of the Commission, the governor shall des-
28 ignate one to serve three years and the other
29 to serve four years.
30

31 Section 26. People's Court of
32 Baltimore City.

34 (a) Until January 1, 1970, the People's
35 Court of Baltimore City shall continue in exist-
36 ence subject to the provisions of Article IV,
37 Section 41-A of the prior Constitution.
38

39 (b) Until January 1, 1970, the provisions
40 of Article IV, Section 41-A of the prior Consti-
41 tution pertaining to the chief constable, constables,
42 and clerk of said Court shall remain in effect.
43

44 (c) Unless sooner modified or repealed by
45 the General Assembly by law the effectiveness of
46 this section shall terminate on January 1, 1970.
47
48
49
50

1 Section 27. Municipal Court of
2 Baltimore City.

3
4 (a) Until January 1, 1970 the Municipal
5 Court of Baltimore City and its jurisdiction,
6 shall continue in existence subject to the
7 provisions of Article IV, Section 41-C of the
8 prior Constitution.
9

10 (b) Until January 1, 1970 the provisions
11 of Article IV, Section 41-C of the prior Constitu-
12 tion pertaining to the chief clerk of said
13 Court shall remain in effect.
14

15 (c) Unless sooner modified or repealed
16 by the General Assembly by law, the effective-
17 ness of this section shall terminate on
18 January 1, 1970.
19

20 Section 28. Court Dockets and Files.
21

22 All papers, dockets, files, books, records,
23 monies and other property belonging or pertaining
24 to or in (a) the Court of Appeals, (b) the Court
25 of Special Appeals, or (c) the Circuit Court of
26 any county, the Supreme Bench of Baltimore City,
27 the Superior Court of Baltimore City, the Court
28 of Common Pleas, the Baltimore City Court, the
29 Criminal Court of Baltimore, the Circuit Court
30 of Baltimore City and Circuit No. 2 of Baltimore
31 City on June 30, 1968, shall be transferred on
32 July 1, 1968, to, respectively, (a) the Court
33 of Appeals created by this Constitution, (b)
34 the Intermediate Appellate Court, or (c) the
35 Superior Court of the appropriate county.
36

37 Section 29. Vacancy in Orphans' Court
38

39 In case of a vacancy in the office of judge
40 of the Orphans' Court, the governor shall appoint,
41 subject to confirmation, or rejection by the Senate,
42 some suitable person to fill the same until January
43 1, 1971.
44

45 LOCAL GOVERNMENT
46

47 Section 30. Procedure to Adopt a
48 County Instrument of
49 Government.
50

1 The Board of County Commissioners of any
2 county may appoint a Charter Board at any time,
3 and shall appoint a Charter Board within thirty
4 days after receipt of a petition signed by five
5 percent of the registered voters of the county
6 or by ten thousand voters, whichever is less.
7 Such Charter Board shall, within twelve months
8 from the date of its appointment, present an
9 instrument of government for the county to the
10 Board of County Commissioners, who shall publish
11 the same in at least two newspapers of general
12 circulation published in the county within
13 thirty days after it shall have been presented.
14 Such instrument of government shall be submitted
15 to the voters of the county at a special or reg-
16 ular election held not earlier than thirty days,
17 nor later than ninety days, after publication
18 of the instrument of government. If a majority
19 of the votes cast for and against the adoption
20 of the instrument of government shall be in
21 favor of adoption, then such instrument of govern-
22 ment shall, on the thirtieth day after such elec-
23 tion, become effective as the instrument of
24 government of that county, and any laws applying
25 only to that county which are inconsistent with
26 the instrument of government, shall be thereby
27 repealed. Prior to the effective date of
28 Section 7.04, all counties having an instrument
29 of government shall exercise only those express
30 powers prescribed by the General Assembly by law.
31

32 The effectiveness of this section shall
33 terminate on July 1, 1970.

34
35 Section 31. Amendment of Instruments
36 of Government.
37

38 An amendment may be proposed and adopted as
39 provided in the county instrument of government;
40 but if the instrument of government does not pro-
41 vide an amendment procedure, amendment to any
42 instrument of government adopted under the pro-
43 visions of the prior Constitution may be proposed
44 by a resolution of the legislative body of the
45 county; or by a petition signed by not less than
46 20 percent of the registered voters of the county,
47 and filed with the legislative body of the county;
48 provided, however, that in any case 10,000 signa-
49 tures shall be sufficient to complete a petition.
50 When so proposed, such amendment shall be submitted

1 to the voters at the next regular election
2 occurring after the passage of said resolution
3 or the filing of said petition. If at said
4 election the majority of the votes cast for
5 and against said amendment shall be in favor
6 thereof, said amendment shall be adopted and
7 becomes a part of the instrument of govern-
8 ment from and after the thirtieth day after
9 said election. Said amendment shall be pub-
10 lished by the legislative body of the County
11 once a week for five successive weeks prior
12 to said election in at least one newspaper
13 published in said county. In this Section,
14 the word "county" shall include Baltimore City.

15 Section 32. County Commissioners.

16 There shall be county commissioners for
17 each county not having an instrument of govern-
18 ment in effect. Such county commissioners shall
19 continue to exercise their offices in accordance
20 with the provisions of the prior Constitution.
21 The effectiveness of this section shall terminate
22 on January 6, 1971.

23 Section 33. County Surveyors.

24 County surveyors in office on June 30, 1968,
25 shall continue in office until the expiration of
26 the term for which they are elected. Such county
27 surveyors shall continue to exercise their offices
28 in accordance with the provisions of the prior
29 Constitution.

30 GENERAL PROVISIONS

31 Section 34. Style of Commissions and
32 Grants.

33 Public commissions and grants shall run thus:
34 "The State of Maryland, etc.,," and shall be signed
35 by the governor, with the Seal of the State annexed.

36 Section 35. Procedures for Amendment
37 of the Constitution

38 Any bill proposing an amendment to the Con-
39 stitution shall be published by order of the
40 governor, in at least two newspapers, in each
41 county, where so many may be published, and where
42

1 not more than one may be published, then
2 in that newspaper and in three newspapers
3 published in the City of Baltimore, once a
4 week for four weeks immediately preceding
5 the special or general election, at which the
6 proposed amendment shall be submitted to the
7 qualified voters of the State for adoption or
8 rejection.

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Constitutional Convention

COMMITTEE MEMORANDUM NO. GP-13

BY THE COMMITTEE ON GENERAL PROVISIONS, Elroy
G. Boyer, Chairman

January 2, 1968

In support of Committee Recommendation No. GP-13

1 While the Schedule of Transitional Provisions
2 and the Schedule of Legislation are both intended
3 to implement the body of the new Constitution, it
4 is essential to clearly distinguish between the
5 two schedules.

6
7 The Schedule of Transitional Provisions is of
8 Constitutional force and therefore cannot be amended
9 or repealed through the legislative process. It
10 can only be altered through the process of Constitu-
11 tional amendment. Provisions in this schedule
12 could have properly been included in the numbered
13 articles forming the body of the new Constitution,
14 but because these provisions are of limited dura-
15 tion in time, their effect terminating according
16 to their own limitations, it is more orderly to
17 separate these provisions from the articles of the
18 Constitution which are designed to have permanent
19 effect.

20
21 The Schedule of Legislation contains provisions
22 to be enacted by this Convention and intended to
23 be of legislative force. The provisions of the
24 Schedule of Legislation will be subject to amend-
25 ment or repeal by the General Assembly on the same
26 basis as the public general laws enacted by the
27 General Assembly. By authority of this Conven-
28 tion's Enabling Act (Acts of 1967, Chapter 4, Sec-
29 tion 17), the Schedule of Legislation promulgated
30 by this Convention will take effect as law if the
31 Constitution to which it is attached is approved
32 by the voters. The Schedule of Legislation contains

1 provisions falling into two categories: (1) those
2 provisions included in the prior Constitution and
3 not fully implemented by legislation, which this
4 Convention has determined not to include in this
5 Constitution because they are matters which should
6 properly be dealt with by the General Assembly;
7 (2) items of legislation necessary to implement
8 the provisions of the new Constitution, which items
9 are of a nature so essential that, in the opinion
10 of the Convention, their enactment cannot await the
11 action of the General Assembly.

12

13 These schedules can only be fully understood in
14 the light of two provisions contained in the body
15 of the Constitution. A section was approved by
16 the Committee of the Whole pursuant to Committee
17 Recommendation No. GP-9 which will preserve all
18 existing statutory law, including local legisla-
19 tion, and all court-made law, including the common
20 law, insofar as such law is not in conflict with
21 the new Constitution. That section also includes
22 a rule of construction which provides that a law
23 shall not be deemed to be in conflict with the new
24 Constitution merely because it was enacted pursu-
25 ant to authority contained in a superseded provi-
26 sion of the prior Constitution. By virtue of that
27 section, a multitude of statutory provisions will
28 continue in effect so that the danger of legal
29 vacuums is minimized.

30

31 Another section was passed by the Committee of
32 the Whole pursuant to Committee Recommendation No.
33 GP-12, which provides that the new Constitution
34 shall take effect on July 1, 1968. While certain
35 sections of the new Constitution are given a de-
36 layed effective date by the Schedule of Transi-
37 tional Provisions, such delay is not in conflict
38 with the general provision providing a July 1,
39 1968 effective date, because the Schedule of Tran-
40 sitional Provisions takes effect on that date
41 according to its terms.

42

43 In preparing both the Schedule of Transitional
44 Provisions and the Schedule of Legislation, an
45 analysis was made of both the provisions of the
46 new Constitution and of the provisions of the old
47 Constitution, together with implementing legis-
48 lation, in an attempt to insure that no legal
49 hiatus would occur.

50

1 SCHEDULE OF TRANSITIONAL PROVISIONS

2
3 GENERAL

4
5 Section 1, Definition. This section is
6 intended to provide a shorthand method of re-
7 ferring to the Constitution of 1867 and to
8 make it clear that all such references are to
9 the amended form of that Constitution in effect
10 immediately prior to the effective date of the
11 new Constitution.

12
13 Section 2, Incumbents. This section estab-
14 lishes a different basis for treatment of two
15 categories of public officers and employees.
16 The first two sentences refer only to those
17 offices which were established as constitu-
18 tional offices under the prior Constitution.
19 Such offices are continued only insofar as
20 they are ~~re~~-created or retained by the new
21 Constitution, including the Schedule of Tran-
22 sitional Provisions or by legislation including
23 the Schedule of Legislation. Consideration
24 has been directed to the retention of every
25 constitutional office created by the prior
26 Constitution. The last sentence of this sec-
27 tion provides that the mere transition from
28 old to new Constitution shall not, of itself,
29 in any way affect the positions of state
30 employees and officers, other than constitu-
31 tional officers. This sentence does not freeze
32 such offices and positions but merely makes it
33 clear that they are not altered or eliminated
34 by the enactment of the new Constitution.

35
36 PERSONAL RIGHTS

37
38 Section 3, Delayed Effect of Certain Sections.
39 Subsection (a) deals with eminent domain and
40 delays the effectiveness until July 1, 1969,
41 of the new concept that property damage for a
42 public use or purpose shall be compensated for
43 by the condemning authority. Such delay is
44 intended to provide time for the General
45 Assembly to implement Section 1.16 of the new
46 Constitution.

47
48 Subsection (b) makes it clear that during
49 the continuance of the present system of justices
50 of the peace, municipal courts and People's

1 Courts with criminal jurisdiction, that the State
2 may continue to take appeal from acquittals
3 and thus force a new trial at what is now the
4 circuit court level and will be the superior
5 court level.

6

7 Subsection (c) delays the effect of the
8 new prohibition against the State's pleading
9 sovereign immunity, so that the General Assembly
10 will have until July 1, 1969, to study the
11 field and enact exceptions to the prohibition
12 as allowed by the constitutional language.

13

14 SUFFRAGE AND ELECTIONS

15

16 Section 4, Effect of Certain Sections,
17 deals with the new standards for referendum
18 and makes it clear that laws enacted, that is,
19 signed by the governor, prior to July 1, 1968,
20 shall be subject to the referendum provisions
21 of the prior Constitution, while laws enacted
22 after that date shall be subject to the refer-
23 endum provisions of the new Constitution.

24

25 Section 5, Delayed Effect of Section 2.06,
26 deals with the provision of the new Constitution
27 which permits the General Assembly to provide
28 for standards for disqualification from voting,
29 together with means for removing such disquali-
30 fication. It is necessary to delay the effect
31 of this section until the General Assembly can
32 enact the package contemplated. Meanwhile,
33 the present grounds for disqualification are
34 continued.

35

36 Section 6, Referendum for Public Local Laws,
37 is tied in with the delayed effect of Section
38 3.23, requiring that the General Assembly enact
39 only laws of general application, and Section
40 7.04, granting shared powers to the counties.

41 During the interim period when the General
42 Assembly shall continue to have authority to
43 enact public local laws, it must be clear that
44 such laws are referable only to the voters of
45 the county where they are to apply.

46

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1. *On the Nature of the Human Species* (1859)

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1 LEGISLATIVE BRANCH

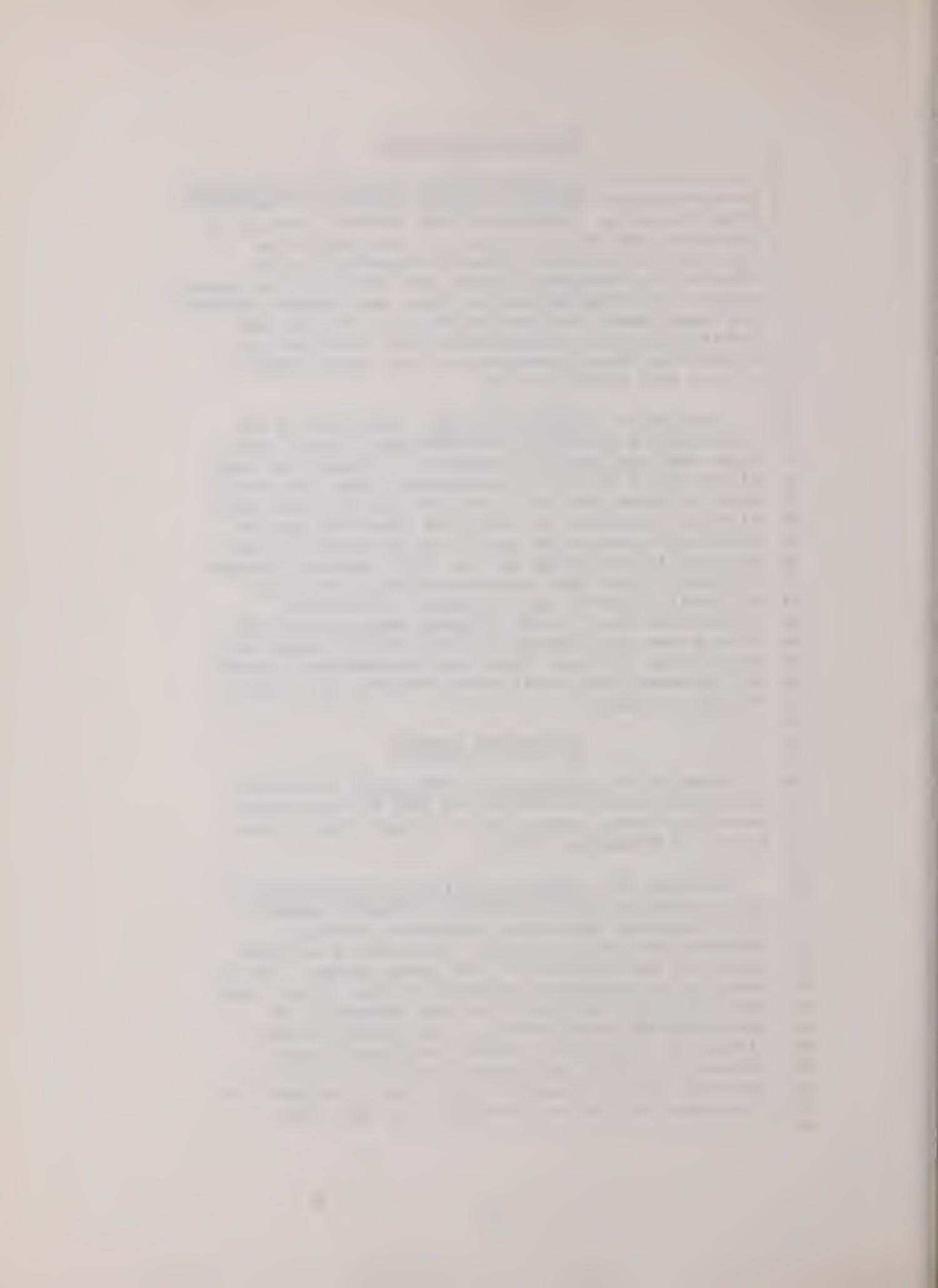
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3 Section 7, Delayed Effect of Certain Sections,
4 preserves the present apportionment of the Gen-
5 eral Assembly, including the present number of
6 senators and delegates until the beginning of
7 the term of the new General Assembly to be
8 elected in November, 1970, but the section makes it
9 clear that candidates for the new General Assem-
10 bly must meet the qualifications of the new
11 Constitution and must stand for election in
12 districts drawn pursuant to the requirements
13 of the new Constitution.

14
15 Section 8, Redistricting, requires a re-
16 districting prior to the November, 1970, elec-
17 tion for the General Assembly. Since the com-
18 pilations of the 1970 Census will not be avail-
19 able in time for this redistricting, this sec-
20 tion is intended to indicate that the redis-
21 tricting commission shall not necessarily be
22 limited to the data of the 1960 federal census
23 but shall base its redistricting upon such
24 official figures as the General Assembly
25 selects by law. Such figures may be derived
26 from a special federally-conducted census or
27 from other sources found by the General Assem-
28 bly to meet the legal requirements for valid
29 reapportionment.

30
31 EXECUTIVE BRANCH

32
33 Section 9, Election of Officers, provides
34 that the first election for the new hierarchy
35 constitutional executive officers shall take
36 place in November 1970.

37
38 Section 10, Terms of Office of Incumbents,
39 substantially preserves the present terms of
40 the incumbent governor, attorney general,
41 comptroller and treasurer but sets a uniform
42 date for the end of all of these terms. This
43 section is necessary because of the first two
44 sentences of Section 2 of the Schedule of
45 Transitional Provisions. The constitutional
46 office of treasurer cannot continue beyond
47 January 6, 1971, by virtue of this section,
48 but the General Assembly is free to create the
49 statutory office of treasurer at any time.



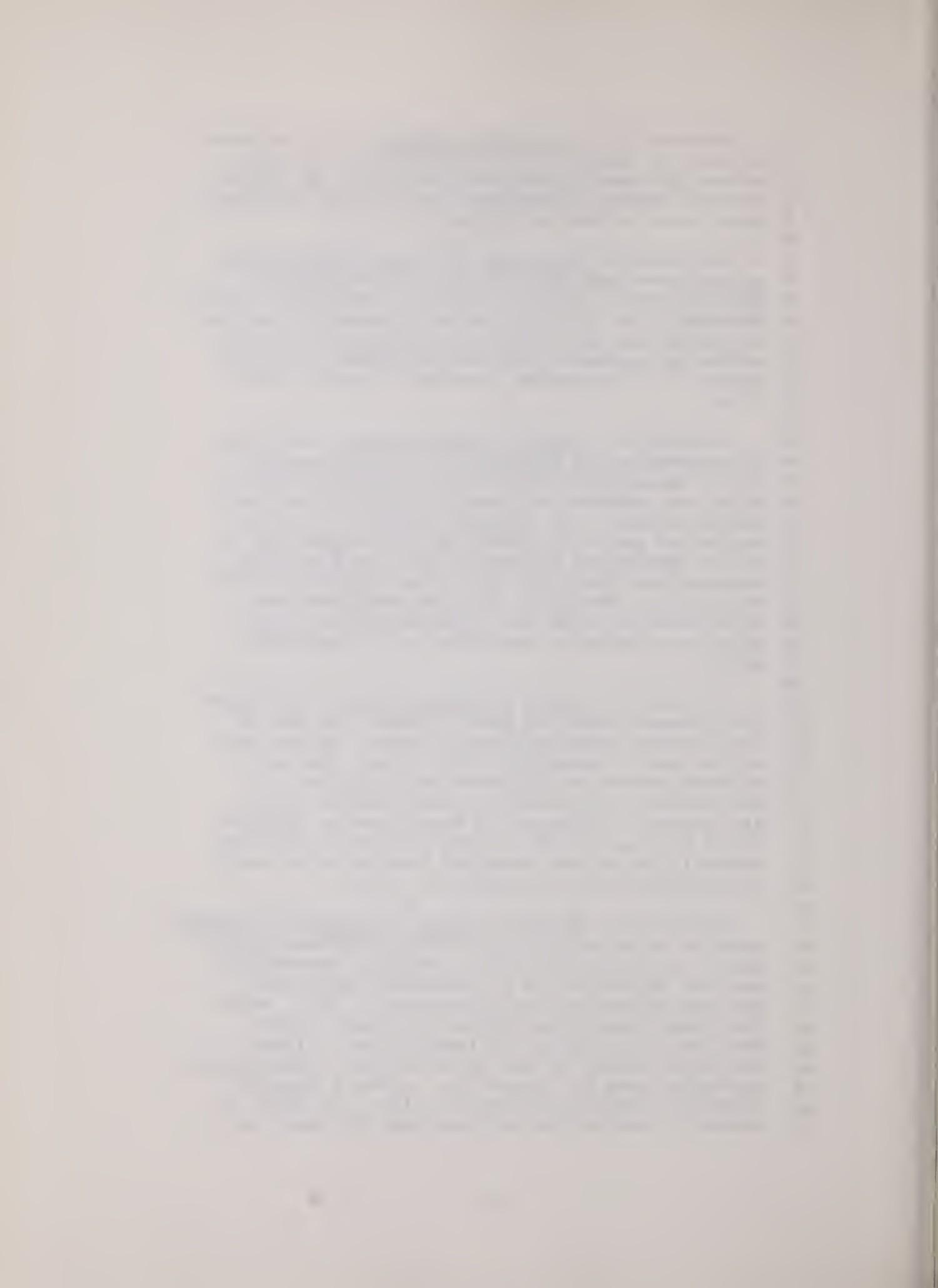
1 Section 11, Lieutenant Governor, is intended
2 to make it clear that there is to be no lieu-
3 tenant governor until the hierarchy of execu-
4 tive officers contemplated by the new Constitu-
5 tion takes office on January 6, 1971.

6
7 Section 12, Vacancies in the Office of Gov-
8 ernor, provides that the present method for
9 filling such a vacancy shall be continued until
10 January 6, 1971, when the provisions of the new
11 Constitution, providing for succession to the
12 office of governor and contemplating the exis-
13 tence of a lieutenant governor, become effec-
14 tive.

15
16 Section 13, Initial Organization, outlines
17 the schedule and procedure for the division
18 of the Executive Branch into principle depart-
19 ments as required by Section 4.25 of the new
20 Constitution. The General Assembly is given
21 exclusive power to formulate the organization
22 of the Executive Branch during the first two
23 years after the effective date of the new Con-
24 stitution. Should it fail to complete such
25 organization, then the governor is given one
26 additional year to complete it by executive
27 order.

28
29 Section 14, Board of Public Works, continues
30 the present Board of Public Works and all of
31 its present constitutional rights, powers and
32 duties until January 6, 1971, when the newly
33 elected executive officers take office.
34 The present treasurer is continued as a con-
35 stitutional office until this date by Section
36 10 of this schedule to make it clear that the
37 composition of the Board of Public Works shall
38 be unaltered until January 6, 1971.

39
40 Section 15, Delayed Effect of Certain Sections,
41 ties in with sections previously discussed and
42 makes it clear that those sections contemplat-
43 ing the existence of a lieutenant governor
44 are not effective until January 6, 1971, when
45 the first lieutenant governor takes office.
46 Section 4.20, Office of Comptroller, places
47 new limitations on the scope of the comptroller's
48 authority and is, therefore, given a delayed
49 effective date of January 6, 1971, so that the
50 present comptroller may continue to exercise



1 the full authority for which he was elected.
2 Section 4.25, Board of Review, is delayed in
3 its effect until January 6, 1971, to permit
4 the continuation of the present Board of Pub-
5 lic Works as presently composed until that
6 date.

7

8 This section also delays Sections 4.26
9 through 4.30 until the completion of the
10 initial organization of the Executive Branch
11 into principle departments. Those sections so
12 delayed contemplate the existence of principle
13 departments of the Executive Branch.

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1. *Introduction* 2. *Methodology* 3. *Results* 4. *Conclusion*

1 JUDICIAL BRANCH

2 Section 16. Judicial Power.

3
4 Under this section, Section 5.01 of the
5 Constitution will become effective July 1,
6 1968 as to the Court of Appeals, the Inter-
7 mediate Appellate Court, and the Superior
8 Court. The establishment of the District
9 Court, however, is delayed until January 1,
10 1970. This will permit the General Assembly
11 to provide for the districts, and to deter-
12 mine the appropriate number of judges. It
13 will also permit the creation of Trial Courts
14 Nominating Commissions to propose lists of
15 nominees for new District Court judgeships.
16 Until January 1, 1970, the existing courts
17 of limited jurisdiction will continue as
18 presently established. Also, the Orphans'
19 Courts will remain in existence until Jan-
20 uary 1, 1971, thus permitting the incumbent
21 judges and registers-of-wills to complete
22 the terms to which they were elected in
23 1966.

24
25 Section 17. Pending Causes - Appel-
26 late Courts and Trial
27 Court of General
28 Jurisdiction.

29
30 This section transfers to the appropriate
31 new courts in the three upper tiers cases pend-
32 ing in the Court of Appeals, the Court of
33 Special Appeals, the Circuit Courts and the
34 Supreme Bench Courts on June 30, 1968. The
35 reference to removal is inserted to make it
36 clear that after July 1, 1968 cases, subject
37 to removal may be removed, pursuant to what-
38 ever change of venue provisions may then be
39 in effect.

40
41 Section 18. Pending Causes - Courts of
42 Limited Jurisdiction.

43
44 The first sentence of Section 5.10 of the
45 Constitution describes the jurisdiction of
46 the District Court. Sections 5.11 and 5.12
47 deal with composition of the District Court
48 and with the commissioners who will replace
49 the present committing magistrates. Since

1 the District Court will not come into being
2 until January 1, 1970, the effectiveness of
3 these provisions is delayed until that date.
4 The second sentence of Section 18 provides
5 for a transfer to the District Court of
6 cases pending in the existing courts of
7 limited jurisdiction on December 31, 1969,
8 on which date the last-mentioned courts
9 will cease to exist.

10 Sections 5.02 through 5.07, most of Sec-
11 tion 5.08 and all of Section 5.09 of the
12 Constitution will, of course, take effect
13 July 1, 1968.

14 Section 19. Uniform Jurisdiction.

15 The continued existence of the Orphans' Courts will make it inconvenient to give probate jurisdiction to the Superior Court, on a uniform basis, until January 1, 1971, when the Orphans' Courts will cease to exist. It seems appropriate to defer all the uniform jurisdiction requirements (the third sentence of Section 5.08 and the second sentence of Section 5.10) until that date, thus permitting the legislature to handle the entire matter of trial court jurisdiction as a unit. Pending such action, the provisions of the 1867 Constitution (Art. IV, Section 20) giving probate jurisdiction to the Circuit Court in Montgomery County are continued in effect.

35 Section 20. Continuance in Judicial Office.

36 This section applies to judges of the Court of Appeals, the Court of Special Appeals, the Circuit Courts and the Supreme Bench, who are in office on June 30, 1968. These judges are allocated to the appropriate new courts, and each will continue to serve for the balance of his present term, subject to the new constitutional provisions as to removal, retirement, and conviction after impeachment.



1 Section 21. Continuance in Office -
2 Chief Judges of Appellate
3 Courts.

4
5 Section 21 continues in office the chief
6 judges of the Court of Appeals and the Court
7 of Special Appeals, as chief judges of the
8 new Court of Appeals and the Intermediate
9 Appellate Court, respectively.

10 Section 22. Continuance in Office -
11 Judges of Orphans' Courts.

12
13 Under this section, incumbent Orphans'
14 Court judges are retained in office, sub-
15 ject to removal or conviction after im-
16 peachment, until the courts cease to exist
17 on January 1, 1971. The effect of the pro-
18 vision is to extend briefly the terms of
19 the present incumbents.

20
21 Section 23. Continuance in Office -
22 Judges of Courts of
23 Limited Jurisdiction.

24
25
26 Section 23 retains in office, as judges
27 of the District Court, for the balance of
28 their respective terms (subject to removal,
29 retirement, or conviction after impeachment)
30 those judges of courts of limited juris-
31 diction who are: (a) prohibited by law from
32 engaging in the private practice of law;
33 (b) required by law to be members of the
34 Bar and to have been such for at least five
35 years prior to judicial appointment; and
36 (c) entitled to pension benefits. These
37 are essentially the criteria of the new
38 Constitution. Other judges of courts of
39 limited jurisdiction, and all justices of
40 the peace in office on July 1, 1968 will
41 continue in office until December 31, 1969,
42 at which date (the day before the District
43 Court comes into existence) their terms
44 will expire. This will cut short a few
45 terms, but in most cases terms will be
46 extended. For example, the terms of most
47 justices of the peace (including trial
48 magistrates) would normally expire on May
49 4, 1969. Section 23 extends all such
50 terms through December 31, 1969.



Section 24. Judicial Qualifications.

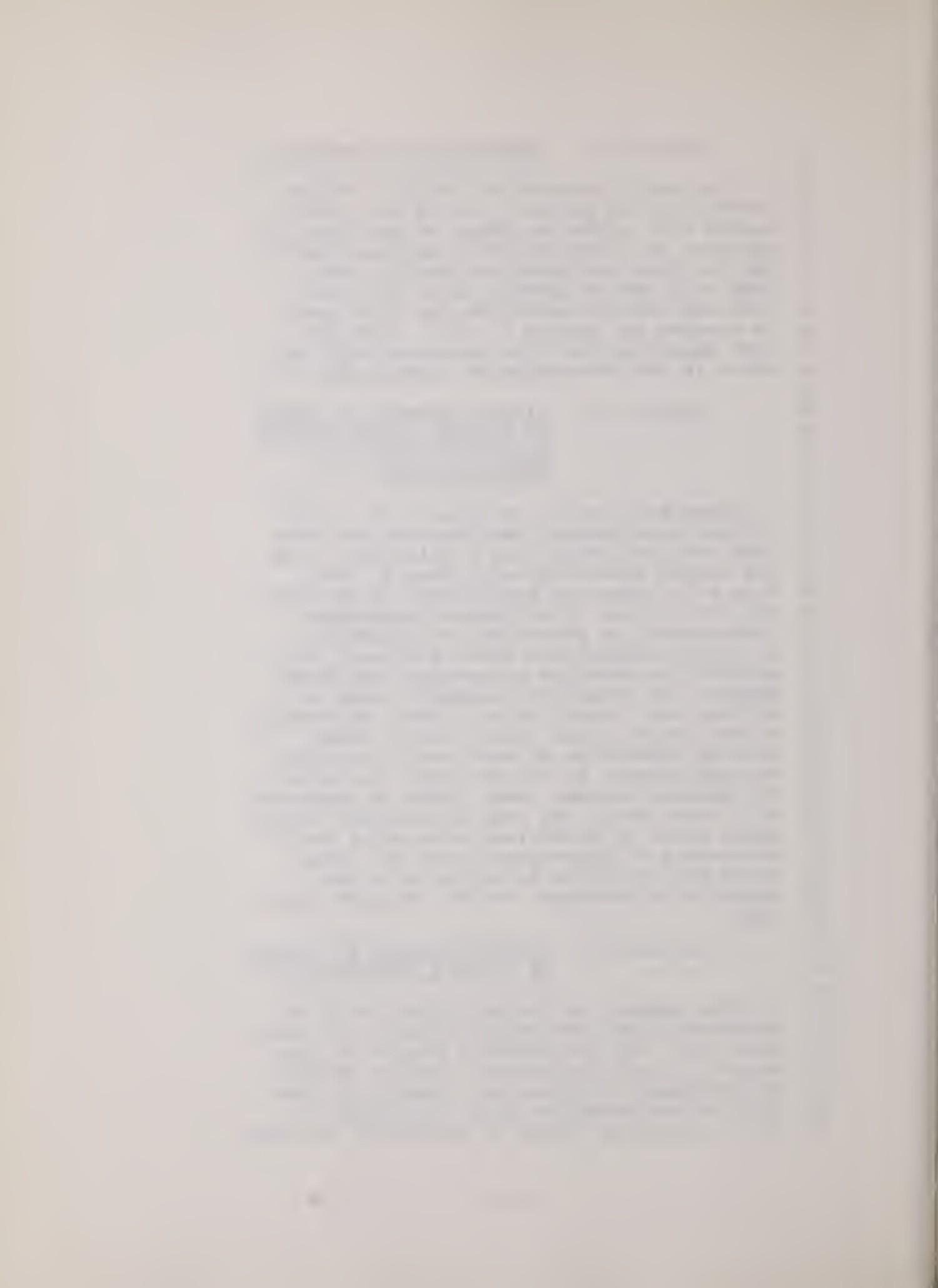
The qualifications for judicial office established by Section 5.14 of the Constitution will apply to judges of the Court of Appeals, the Intermediate Appellate Court and the Superior Court on July 1, 1968. They will not in general apply to other judicial offices until the District Court is created on January 1, 1970, although some exceptions to this statement will be noted in the discussion of Section 26.

Section 25. Filling Vacancy in Court of Appeals, Intermediate Appellate Court, or Superior Court.

Under Section 25, Sections 5.15 - 5.21 of the Constitution, dealing with the various Judicial Nominating Commissions, will not become effective until July 1, 1969. This will allow the Legislature to provide for the various Trial Courts Nominating Commissions, to prescribe qualifications of lawyer members and their electors, to provide for election procedures for lawyer members, to establish staggered terms of office, etc. Until July 1, 1969, a vacancy on any of the three named courts, other than by expiration of term, will be filled by appointment by the Governor, as under the present system. Each judge so appointed will serve until the regular election which takes place at least two years after the occurrence of the vacancy, and will then stand for retention in office in a non-competitive election, and for an eight-year term.

Section 26. Filling Vacancy in Courts of Limited Jurisdiction.

With respect to the Municipal Court of Baltimore City, the People's Court of Baltimore City, and the People's Courts of Anne Arundel, Cecil, Montgomery, Prince George's and Wicomico Counties, any vacancy in judicial office occurring prior to January 1, 1970, except by reason of expiration of term,



1 will be filled by gubernatorial appointment.
2 As to persons appointed to fill such vacancies,
3 the qualifications prescribed by Section
4 5.14 will apply. This continues what is
5 substantially the present system, except
6 in Montgomery County, where vacancies are
7 presently filled by the County Council.
8 Each person so appointed would stand for
9 retention in office for an eight year term
10 in the manner described under Section 25.

11

12 Vacancies occurring in other courts of
13 limited jurisdiction, or in the office of
14 justice of the peace, will be filled by the
15 Governor by appointment for a term expir-
16 ing December 31, 1969, when these courts
17 will go out of existence. As to such
18 judges or justices of the peace, Section
19 5.14 is only permissively applicable. The
20 Governor may, if he so desires, adhere to
21 present provisions as to qualifications
22 for the office.

23

24 Section 27. Application of Section
25 5.22 to Judges Now in
26 Office.

27

28 Section 27 provides that any judge of
29 the Court of Appeals, the Intermediate
30 Appellate Court, the Superior Court, or lower
31 courts designated in the section (those
32 listed in the discussion of Section 26)
33 who would normally run for election in 1968
34 will stand for retention in office under
35 Section 5.22, in a non-competitive election
36 and for an eight-year term. In accordance
37 with that section, appellate court judges
38 will run state-wide and superior court
39 judges will run in their appropriate coun-
40 ties. Since districts will not have been
41 established by the November, 1968 elections,
42 the judges of the designated lower courts
43 will run in their respective counties or
44 in Baltimore City, as the case may be.
45 The lawyers' poll will be utilized in
46 connection with these elections. Election
47 procedures are contained in Section 4 of
48 the Schedule of Legislation.

49

50



1 Section 28. Election of Judges
2 Continued in Office.

3
4 Under this section, a judge continued
5 in office pursuant to Section 20 or Section
6 23 will remain in office until the election
7 immediately following the expiration of his
8 term. At that election, he will stand for
9 retention in office in a non-competitive
10 election and for an eight-year term.

11
12 Section 29. Applicability of
13 Section 5.23.

14
15 This section prevents the application
16 of mandatory retirement at age 70, and the
17 provisions regarding temporary recall of
18 retired judges, to judges of the Orphans'
19 Court, justices of the peace, and part-time
20 People's Court judges. Some of these judges
21 are already over 70. As to all other judges,
22 Section 5.23 will be effective July 1,
23 1968.

24
25 Section 30. Judicial Compensation.

26
27 Section 5.24 of the Constitution including
28 its provisions that judicial compensation
29 shall be paid solely by the State, will take
30 effect July 1, 1968. However, only the pro-
31 visions restricting reduction of compensation
32 and pension rights will apply to judges of
33 courts of limited jurisdiction until January
34 1, 1970, when the entire section will be
35 applicable to judges of all courts. Judi-
36 cial salaries and pensions are provided for
37 in detail in the Schedule of Legislation.
38 In the interim period before establishment
39 of the District Court, the General Assembly
40 is permitted, but not required, to provide
41 uniform compensation and pension rights for
42 full-time judges of courts of limited juris-
43 diction.

44
45 Section 31. Restriction of Non-
46 Judicial Activities.

47
48 As of July 1, 1968, the provisions of
49 Section 5.25 will apply only to judges of
50 the three upper court tiers, and to full-

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1 time judges of courts of limited jurisdiction.
2 As to other judges, the provisions
3 of Article 33 of the present Declaration
4 of Rights will remain effective until Janu-
5 ary 1, 1970, when the District Court will
6 come into being. Its judges will, of course,
7 be subject to Section 5.25.

8

9 Section 32. Commission on Judicial
10 Disabilities.

11

12 Sections 5.26 - 5.30, dealing with the
13 Commission on Judicial Disabilities and
14 procedures for compulsory judicial removal
15 or retirement, will become generally ef-
16 fective July 1, 1968. Section 5.26 requires
17 that one member of the Commission will be
18 a District Court judge. Since there will
19 be no District Court until January 1, 1970,
20 Section 32 delays the effect of that parti-
21 cular requirement until January 1, 1970.
22 In the interim period, provision is made
23 for appointment of a full-time judge of a
24 court of limited jurisdiction to serve on
25 the Commission.

26

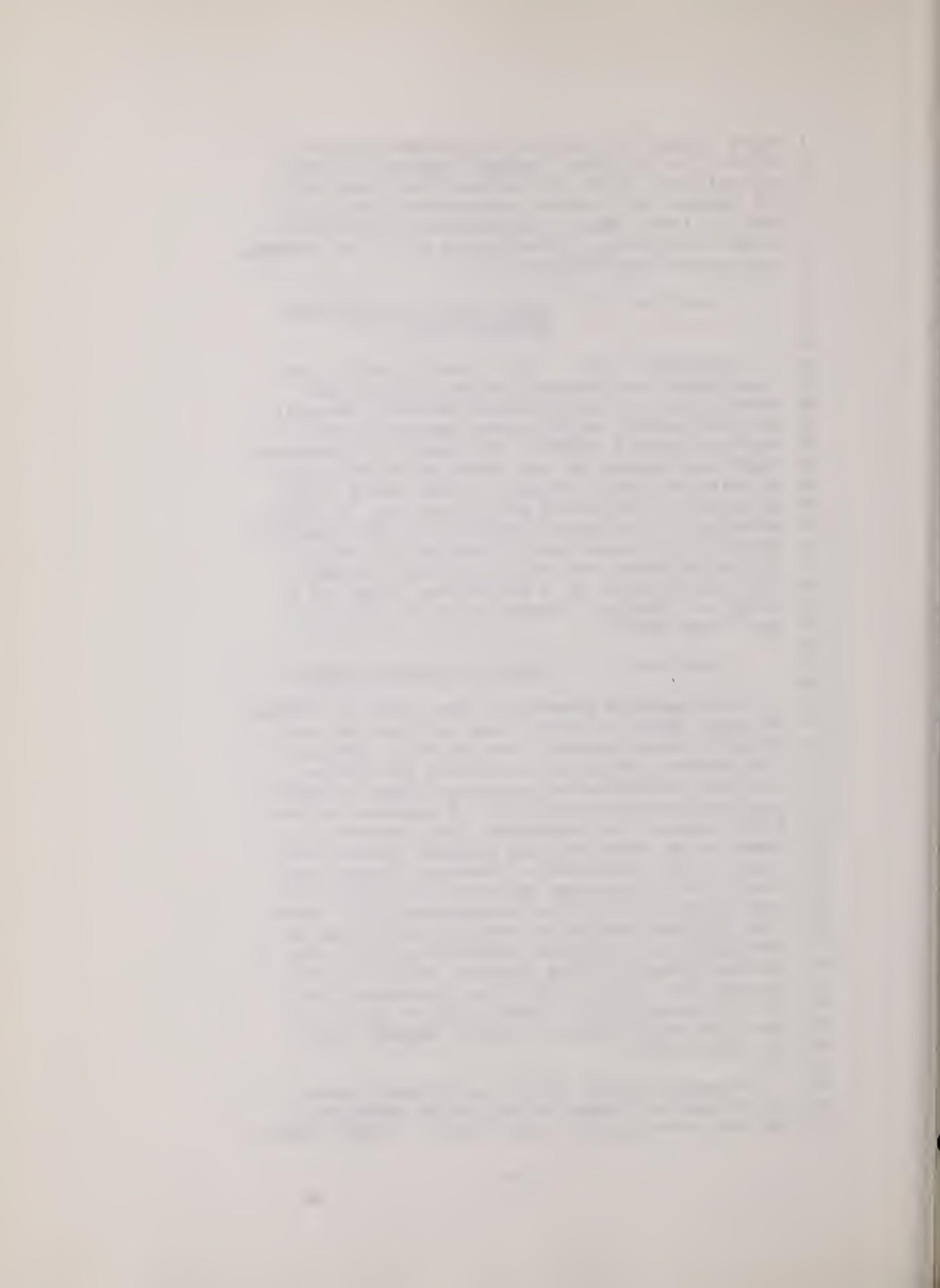
27 Section 33. Clerks of Trial Courts.

28

29 This section preserves the term of office
30 of each clerk of court now serving at the
31 circuit court level. During this period,
32 the General Assembly will make provision
33 for the selection of Superior Court clerks,
34 pursuant to Section 5.32. A problem exists
35 with respect to Baltimore City, because
36 there each court of the Supreme Bench has
37 its own elected clerk. However, under Sec-
38 tion 5.32, there may be only one clerk of
39 the Superior Court in Baltimore City. Sec-
40 tion 33 provides that the present clerk of
41 the Superior Court of Baltimore City, who
42 is also clerk of the Supreme Bench, shall
43 become the clerk of the new Superior Court
44 in Baltimore City. Each elected clerk in
45 the City will become a chief deputy clerk
46 of that court.

47

48 Present deputy clerks and other court
49 employees are kept in office by Section 2
50 of the Transitional Provisions. Those under



1 a merit system will not be affected. The
2 General Assembly will have ample opportunity
3 to provide for continuation or expansion
4 of a merit system for employees, as well
5 as for pensions and the like.

6
7 When the District Court comes into being
8 on January 1, 1970, each incumbent full-time
9 clerk of a court of limited jurisdiction
10 will become a deputy District Court clerk.
11 From these will probably be appointed the
12 chief clerk of the District Court and the
13 clerk of each county in each district, as
14 required by Section 5.32.

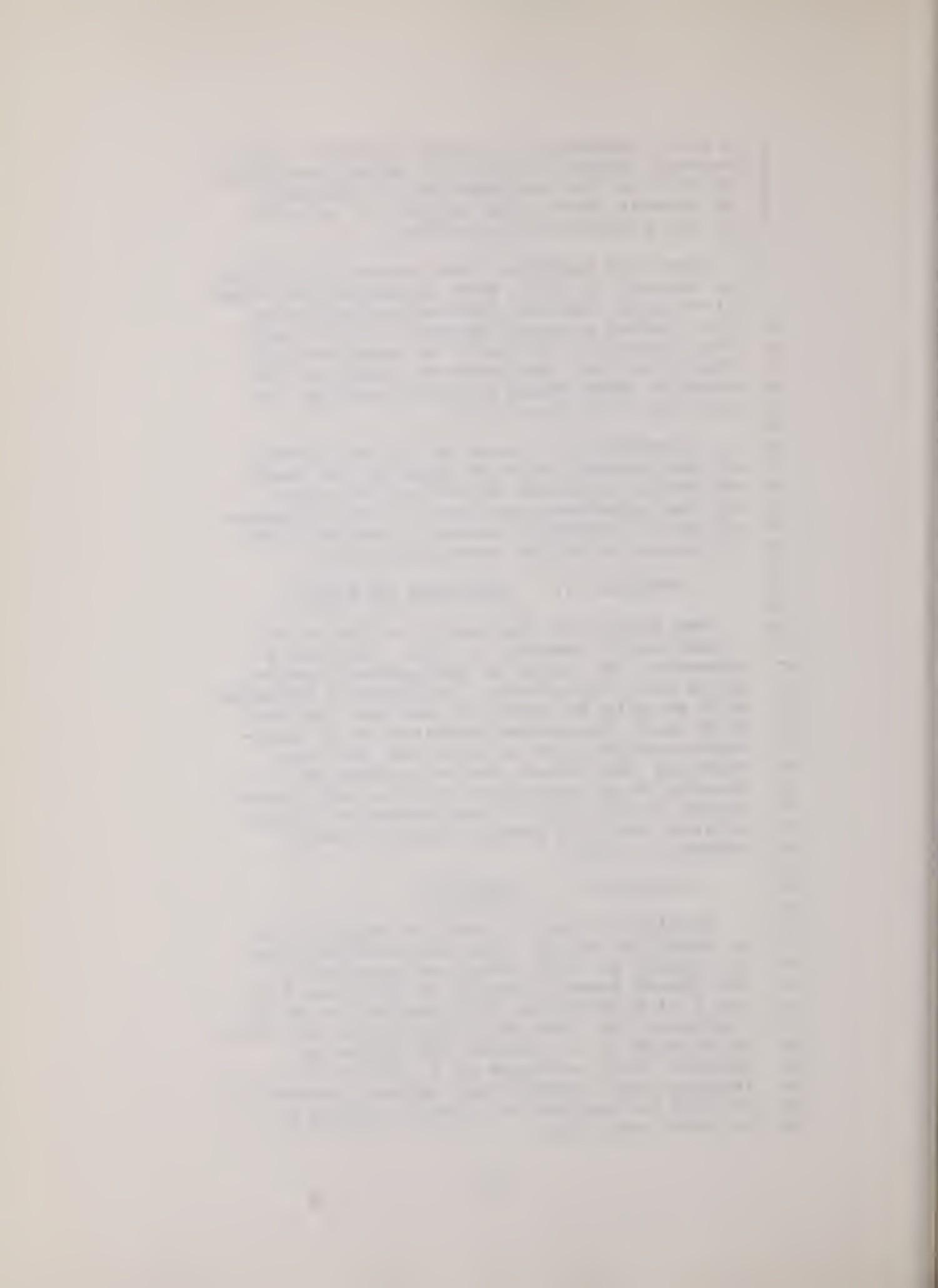
15
16 No provision is made as to the clerks
17 of the present Court of Appeals and Court
18 of Special Appeals, since both of these
19 are now appointed and serve at the pleasure
20 of their respective courts. They will be
21 continued in office under Section 2.

22 Section 34. Registers of Wills.

23
24 The office of register of wills is re-
25 tained until January 1, 1971. Section 2
26 preserves the terms of the present incum-
27 bents until that date. The General Assembly
28 will be able to determine whether the of-
29 fice shall thereafter continue as a legis-
30 lative office, and if not, how the func-
31 tions of the office are to be handled.
32 Section 41 of Article IV of the 1867 Consti-
33 tution deals with filling vacancies in the
34 office, and will remain effective until
35 January 1, 1971.

36
37 Section 35. Sheriffs.

38
39 Section 35 takes a similar approach as
40 to sheriffs, except that the critical date
41 is January 6, 1971, the date upon which
42 the shared powers concept of Sections 3.23
43 and 7.04 must become fully effective as to
44 counties. By that date, decisions will have
45 to be made as to whether the office of
46 sheriff shall continue as a state-wide
47 legislatively-established office, or whether
48 it will be handled as a county office or
49 in some other way.



1 Section 36. Costs of the Judicial
2 System.

3
4 Except as to the judicial compensation
5 covered by Section 30 of the Transitional
6 Provisions and Section 5.33 of the Constitu-
7 tion, the State will not be required to
8 bear the full cost of the judicial system
9 until January 1, 1970, the date the District
10 Court comes into being. This will give the
11 General Assembly time to study the problems
12 involved, and to provide appropriate solu-
13 tions.
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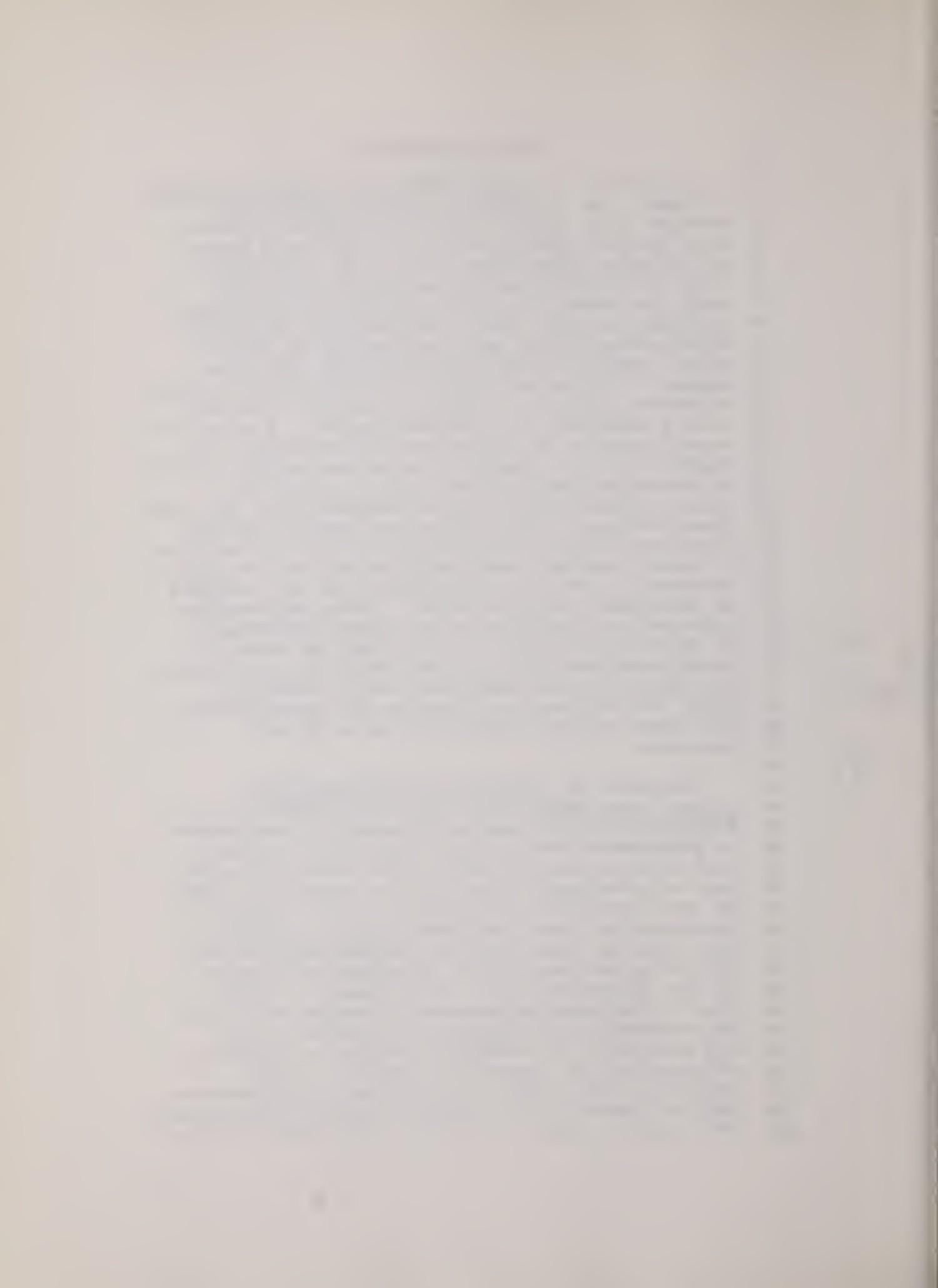
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4

1 LOCAL GOVERNMENT
2

3 Section 37, Delayed Effect of Certain Sections,
4 provides that the latest effective date for
5 Section 3.23, prohibiting the General Assembly
6 from enacting laws, which vary in their terms
7 and effects from county to county and Section
8 7.04, granting "shared powers" to counties,
9 shall be January 6, 1971. However, the General
10 Assembly may make these two sections effective
11 simultaneously for all counties at an earlier
12 date. These two sections, although they now
13 appear in different articles of the Constitution,
14 represent separate facets of the new Constitu-
15 tion's approach to local government. A county's
16 acquisition of an instrument of government is
17 deemed to be an essential safeguard which should
18 be operative before that county enjoys the
19 broad legislative powers contemplated by the new
20 Constitution. Until these sections are effec-
21 tive, the General Assembly will have to continue
22 to enact laws of local application for the gov-
23 ernments of counties which have not yet adopted
24 an instrument of government. Existing charter
25 counties and counties which adopt instruments
26 of government prior to the effective date of
27 these sections will operate under the principles
28 of express powers home rule until January 6,
29 1971, or such earlier date as the General Assem-
30 bly makes shared powers available to all
31 counties.

32
33 Section 38, Adoption of Instrument of
34 County Government, sets up a time table to be
35 followed by the counties in adopting instruments
36 of government and envisions that all counties
37 will know by July 1, 1970, what form of instru-
38 ment of government they will be operating under
39 by the dead-line of January 6, 1971. This is
40 necessary so that elections held in November,
41 1970, can be conducted in contemplation of the
42 form of government to be in effect in January
43 of the following year. The January 6, 1971,
44 date is recommended because it works well with
45 the contemplated election of November, 1970,
46 and parallels the taking of office of elected
47 officers of the Executive Branch. It also
48 would have the effect of substantially preserv-
49 ing the terms of the present county commissioners.
50 This section makes it clear that present county



1 charters will, without further adoption by the
2 voters, meet the requirements for a county instru-
3 ment of government under the new Constitution
4 and, also, that Howard County will be allowed
5 to complete its procedure to obtain an instru-
6 ment of government which was initiated under
7 the provisions of Article XIA of the prior
8 Constitution. Any county which has not adopted
9 an instrument of government by July 1, 1970,
10 must then accept the instrument of government
11 prepared by the General Assembly. A provision
12 is included in the Schedule of Legislation
13 whereby a county may obtain an instrument of
14 government prior to July 1, 1970, and this
15 section requires the General Assembly to pro-
16 vide alternative procedures to the same end.

17 Section 39, Interim Restriction Upon Public
18 Local Law, continues the substance of Article
19 XIA, Section 4, which insures that charter
20 counties would have the ultimate control over
21 legislation, within the grant of express powers,
22 and affecting only that county. This provision
23 will be superseded when the express powers
24 doctrine is replaced by the shared powers doctrine.

25 Section 40, Powers of Baltimore City to
26 Issue Bonds, is designed to relieve the unique
27 requirement that Baltimore City obtain authori-
28 zation by act of the General Assembly prior to
29 issuing bonds or other evidence of indebtedness.
30 Since under the new Constitution Baltimore City
31 is treated in every respect as if it were a
32 county, and since the City will presumably be
33 freed of this anachronistic limitation on its
34 powers when the shared powers doctrine becomes
35 fully effective, it would be illogical to con-
36 tinue the peculiar limitation on the city's
37 power during the interim period. However, the
38 section makes it clear that Baltimore City is
39 subject to the same limitations as to amount
40 of indebtedness which it may incur and the
41 method of issuance of bonds as are the other
42 charter counties. The section also retains
43 the requirement, traditional in the City, that
44 bond issues be approved by ordinance and by
45 the people on referendum.

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1 STATE FINANCE AND TAXATION

2
3 Section 41, Delayed Effect of Certain Sections,
4 gives an effective date of July 1, 1969, to four
5 sections of the Constitution. Section 6.04,
6 Equalization, requires that property assessments
7 shall be equalized among units of local govern-
8 ment as prescribed by the General Assembly. Sec-
9 tion 6.05, Exemptions, requires that exemptions
10 from any state tax shall be made pursuant to
11 uniform rules and within classes of property, tax-
12 payers, or events. These two sections contemplate
13 implementing legislation by the General Assembly
14 and their effect is delayed to permit time for
15 such implementing legislation to be enacted.
16 Section 6.06, State Indebtedness, requires each
17 law authorizing the creation of an obligation to
18 contain an irrevocable pledge of the full faith
19 and credit of the State. This section will not
20 permit continuation of the practice that the
21 creditors of the State must look to the revenues
22 of a particular tax for satisfaction of the
23 State's indebtedness to them. It is thought
24 that the section may require a new budgetary
25 approach and should be delayed until it can be
26 complemented with a budget drawn to conform to
27 its standard. Section 6.16, Capital Expenditures,
28 should not be made effective until July 1, 1969,
29 when the concept it envisions can be reflected
30 in the budget.

31
32 Section 42, Law Governing Bonds, is intended
33 to make it clear that the terms of the obligation
34 expressed in any evidence of public indebtedness
35 speak as of the date of authorization of such
36 evidence of indebtedness and are not impaired
37 by the enactment of this Constitution or by any
38 change in the law. Evidences of indebtedness
39 authorized prior to the effective date of this
40 Constitution, whether they be outstanding or not,
41 are governed by the Constitution and laws in
42 effect at the date of their authorization.

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1 SCHEDULE OF LEGISLATION

2
3 PERSONAL RIGHTS

4
5 Section 1, Exception to Limitation for Notaries
6 Public, provides an exception to the prohibition
7 against any person holding more than one office of
8 profit at one time. Such legislative exception to
9 the constitutional prohibition is authorized by the
10 constitutional language. This exception, in effect,
11 continues that contained in Article 35 of the
12 Declaration of Rights of the prior Constitution.

13
14 SUFFRAGE AND ELECTIONS

15
16 Section 2, Petition Requirements, continues the
17 substance of Article 16, Section 4 of the prior
18 Constitution, and provides basic implementation
19 necessary to supply the mechanics for a referendum
20 petition.

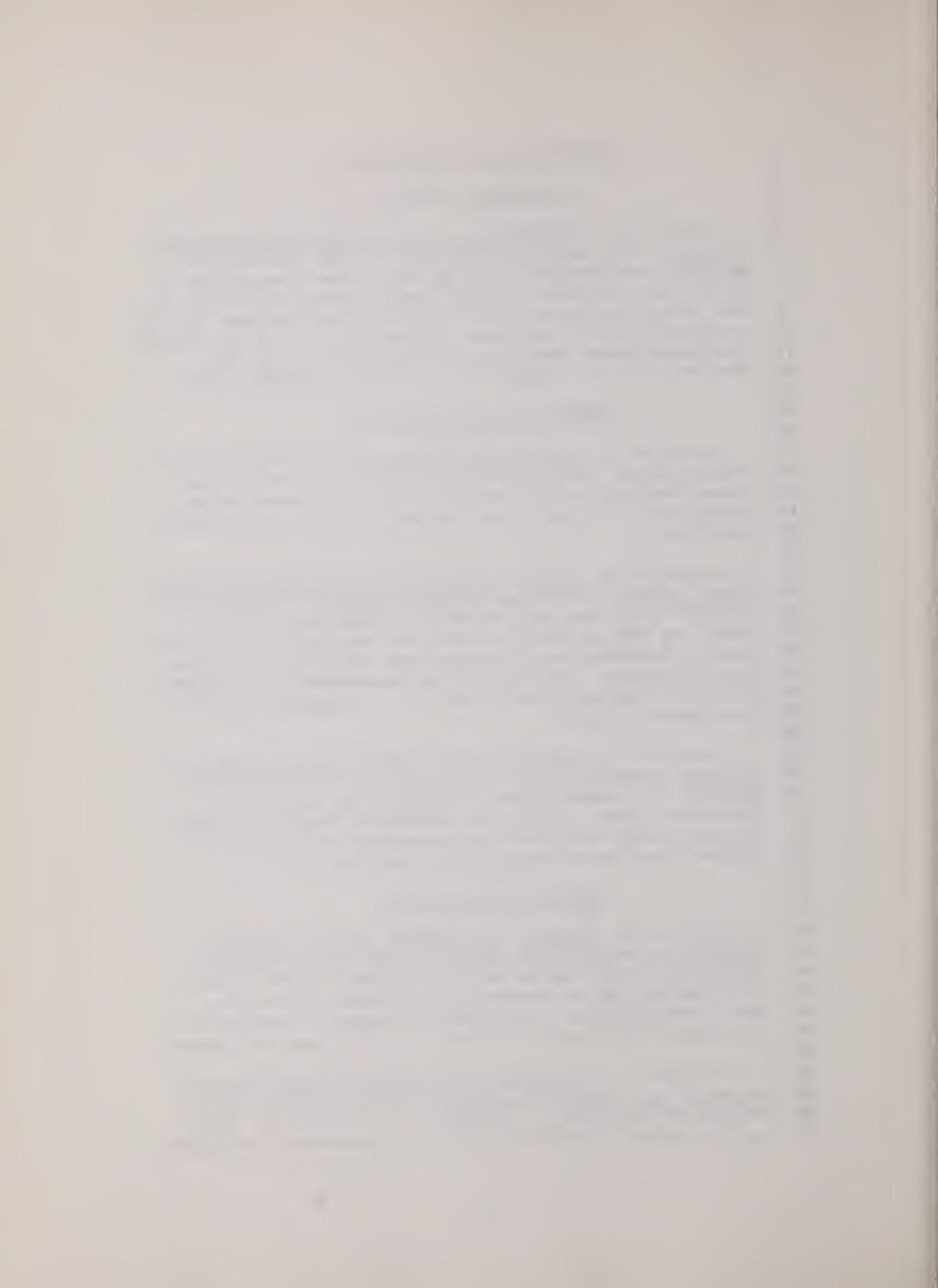
21
22 Section 3, Interim Grounds for Disqualification
23 from Voting, continues the substance of Article 1,
24 Section 2 of the prior Constitution until July 1,
25 1969, by which date the General Assembly will have
26 had an opportunity to enact new statutes for dis-
27 qualification, together with standards for removal
28 of such disqualifications, as contemplated by the
29 new Constitution.

30
31 Section 4, Procedure for Retention in Office of
32 Judges, provides necessary mechanical details to
33 permit non-competitive elections of judges in
34 November 1968. It is contemplated that the Legis-
35 lature would not have an opportunity to provide
36 these details prior to such election.

37
38 LEGISLATIVE BRANCH

39
40 Section 5, Salary of Members of the General
41 Assembly, implements Section 3.09, and sets the
42 salary of each member at \$8,000 per annum. Such
43 implementation is necessary because, under the
44 new Constitution, the General Assembly cannot set
45 a salary for itself but only for succeeding terms.

46
47 Section 6, Vacancies Occurring During Present
48 Term of the General Assembly, continues the sub-
49 stance of Article 3, Section 13, which was added
50 to the prior Constitution by an amendment ratified



1 in 1966. This section provides a method and
2 procedure for filling vacancies occurring in
3 the General Assembly during a term.

4
5 Section 7, Procedure for Enactment of Law,
6 continues the substance of Article 3, Section
7 30 of the prior Constitution and provides for
8 the mechanics for enactment of legislation.
9

10 EXECUTIVE BRANCH

11
12 Section 8, Salary of Governor, sets the sal-
13 ary of the Governor at \$40,000. While Section
14 4.23 of the Constitution permits the General
15 Assembly to provide for the salary of the Gover-
16 nor, that section also prohibits the raising of
17 a Governor's salary while he is in office.
18 Since the Governor's salary had previously been
19 established by the Constitution, there is no
20 statute in effect providing for it. Therefor,
21 this section is essential. The figure of
22 \$40,000 is thought to reflect a realistic
23 salary under modern circumstances.
24

25 Section 9, Appointment of Officers by Governor,
26 continues the substance of Article 2, Section 10
27 of the prior Constitution and is designed to in-
28 sure that no offices exist which cannot be legally
29 filled.
30

31 Section 10, Removal of Officers by Governor,
32 continues the substance of Article 2, Section 15
33 and provides standards for removal of military
34 officers and some civil officers who have been
35 appointed by the Governor.
36

37 Section 11, Secretary of State, continues the
38 substance of Article 2, Section 23 of the prior
39 Constitution, and prescribes the duties of the
40 statutory office of Secretary of State. This
41 section is intended to preserve the office of
42 Secretary of State until such time as the Gen-
43 eral Assembly may wish to abolish it.
44

45 Section 12, State's Attorneys, continues the
46 substance of Article 5, Section 11 of the prior
47 Constitution, and provides a means for filling a
48 vacancy in the office of the State's Attorney.
49

50 Section 13, Treasurer and Comptroller, continues

1 the present rights, powers and duties of the
2 Treasurer and Comptroller, subject to modifi-
3 cation by the General Assembly except insofar
4 as their offices are fixed by the new Consti-
5 tution, including the Schedule of Transitional
6 Provisions.

7
8 Section 14, Board of Public Works and Board
9 of Review, is intended, with Section 42 of the
10 Schedule of Transitional Provisions, to obviate
11 any question which might otherwise arise as to
12 the continuation of the State's contractual
13 obligations, including obligations of indebted-
14 ness, without alteration due to the transfer of
15 functions from the Board of Public Works to the
16 Board of Review.

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1 JUDICIAL BRANCH

2
3 Section 15. Courts of Record.

4
5 This section replaces similar provisions
6 of Article IV, Section 1 of the prior Constitu-
7 tion.

8
9 Section 16. Statutory References to
10 Courts.

11
12 Section 10.01 of the Constitution preser-
13 ves existing law to the extent not incon-
14 sistent with this Constitution or the sche-
15 dules attached to it. Ultimately, the General
16 Assembly will no doubt re-examine such laws
17 and modify many of them as it reorganizes
18 the judicial system. Until that can be done,
19 Section 16 makes it clear that statutory
20 references to courts existing under the
21 prior Constitution shall apply to the ap-
22 propriate courts created by this Constitu-
23 tion. Courts of limited jurisdiction need
24 not be included, since they will continue
25 to exist until January 1, 1970, thus giving
26 the Legislature time to make amendments in
27 preparation for the establishment of the
28 District Court. Likewise, the Orphans'
29 Court will continue until January 1, 1971,
30 and the statutes pertaining to it will
31 remain in effect.

32
33 Section 17. Appellate Circuits.

34
35 Section 5.13 of the Constitution, which
36 will become effective July 1, 1968, calls
37 for circuits of the Court of Appeals and
38 of the Intermediate Appellate Court. Sec-
39 tion 17 continues in effect the provisions
40 of Article IV, Section 14 of the prior
41 Constitution, establishing circuits for the
42 Court of Appeals. The General Assembly
43 will not have time to provide for such cir-
44 cuits prior to July, 1968. No similar pro-
45 visions are required for the Intermediate
46 Appellate Court, since circuits for the
47 Court of Special Appeals are established
48 by Statute (Article 26, Section 130) which
49 will be continued in effect by Section 10.01
50 of the Constitution, and made applicable

the first time in the history of the world, the
whole of the human race has been gathered
together in one place.

It is a remarkable fact that the whole of
the human race has been gathered together
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1 to the Intermediate Appellate Court by Sec-
2 tion 16 of this Schedule.

3
4 Section 18. Judicial Circuits.

5
6 The Constitution does not continue the
7 concept of circuits below the appellate
8 court level. On the other hand, some ex-
9 isting statutes, such as Article 26, Sec-
10 tion 132, (Review of Criminal Sentences)
11 refer to judicial circuits. Section 18
12 is intended to preserve the concept of
13 judicial circuits as geographical areas
14 until the General Assembly has had the
15 opportunity to examine and where necessary
16 amend or repeal such statutes.

17
18 Section 19. Jurisdiction of
19 Superior Court in
20 Baltimore City.

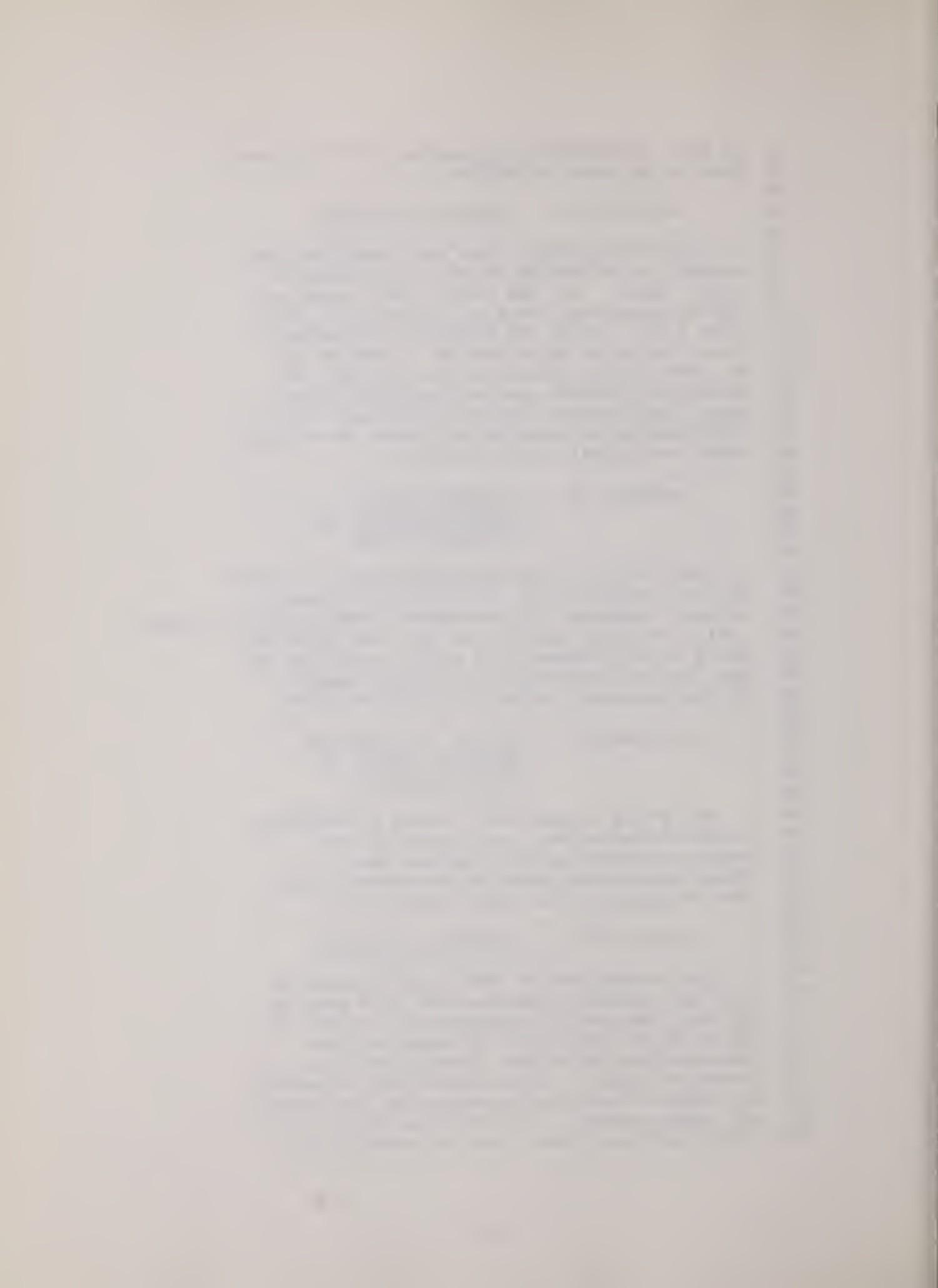
21
22 The courts of the Supreme Bench are given
23 certain jurisdiction by the prior Consti-
24 tution. Section 19 preserves these grants of juris-
25 idiction with respect to the new Superior
26 Court in Baltimore City until such time as
27 the General Assembly has adopted appro-
28 priate statutory grants of jurisdiction.

29
30 Section 20. Duties of Clerk of
31 Superior Court in
32 Baltimore City.

33
34 The prior Constitution also prescribes
35 certain duties for the clerks of the
36 courts comprising the Supreme Bench.
37 These provisions must be preserved until
38 the Legislature has had time to act.

39
40 Section 21. Judicial Salaries.

41
42 The provisions of the Constitution re-
43 quiring uniform compensation paid solely
44 by the State will be effective on July 1,
45 1968, as to the Court of Appeals, the
46 Intermediate Appellate Court, and the
47 Superior Court. It is therefore necessary
48 to provide the compensation for the judges
49 of these courts. Although the District
50 Court will not come into existence until



1 January 1, 1970, it also seems important
2 to provide for compensation of the judges
3 of this court. The adoption of Section 21
4 will have the effect of establishing a
5 ceiling for judicial salaries, subject only
6 to change by the General Assembly. It will
7 prevent a political subdivision from in-
8 creasing judicial salaries or supplementation
9 prior to July 1, 1968 or January 1, 1970,
10 on the assumption that after such date the
11 State will have to assume the burden of
12 the entire included salary. Judicial
13 salaries are presently as follows:
14

15 Court of Appeals - \$32,500 (Chief Judge
16 \$33,000).
17

18 Court of Special Appeals - \$27,500 (Chief
19 Judge - \$28,000).
20

21 Circuit Courts - The salaries range from
22 \$20,000 to \$30,000.
23

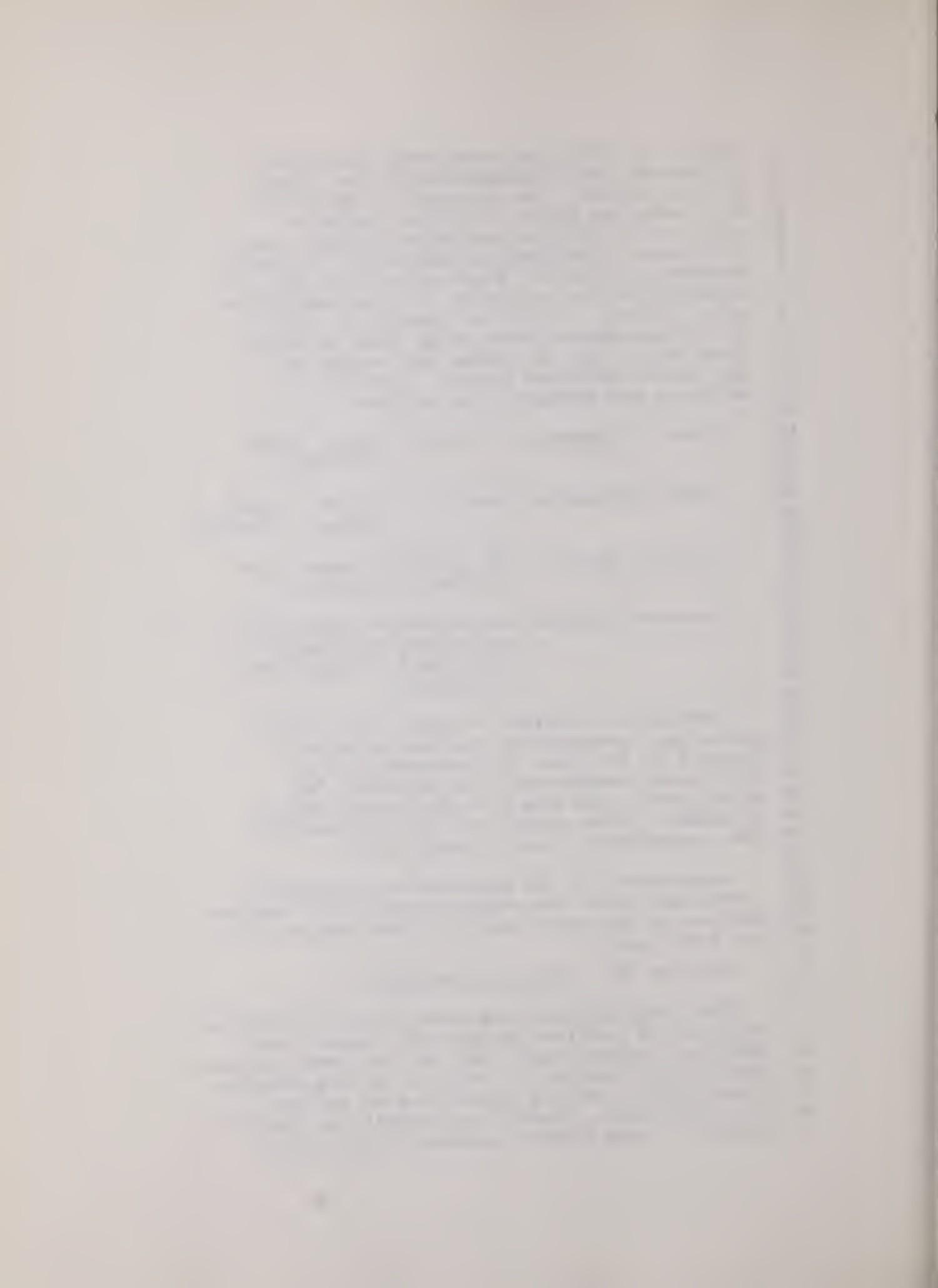
24 Courts of Limited Jurisdiction - The high-
25 est salary presently
26 being paid at this level
27 is \$21,500.
28

29 Section 21 utilizes at each court level
30 the salary proposed by the Legislative
31 Council in its Item 273, except that no
32 additional compensation is provided for
33 chief judges and the District Court salary
34 is added. This salary was not included in
35 the Legislative Council draft bill.
36

37 Subsection (f) is intended to compensate
38 a retired judge temporarily recalled to active
39 service at the same rate as other judges of
40 the same court.
41

42 Section 22. Judicial Pensions.
43

44 The same approach has been taken to judicial
45 pensions as outlined above with respect to
46 judicial compensation, and for the same reasons.
47 Once again, Section 22 follows the Legislative
48 Council bill, adding provisions as to the
49 District Court. Under the present law judicial
50 pensions range from a maximum of \$23,333.33



1 for the Court of Appeals to a maximum of \$8,000
2 for certain People's Court judges. As previously
3 pointed out, the Legislative Council did not
4 make provision for District Court judges.
5 Section 22 follows the same formula with respect
6 to these judges, providing for a maximum pension
7 of two-thirds the salary of a judge in active
8 service.

9
10 Subsection (f) provides pension rights for
11 judges whose offices will be eliminated under
12 the Constitution.

13
14 Section 23. Pensions of Spouses of Judges.

15
16 This section is again based on the Legislative
17 Council bill. It is basically a statement of
18 existing law.

19
20 Section 24. Pensions of Former Judges.

21
22 This section continues the pension rights of
23 judges no longer in judicial office on July 1,
24 1968, and of their spouses. It provides that
25 the full amount of such pension shall be paid
26 by the State after July 1, 1968, as to the upper
27 three courts and after January 1, 1970, as to
28 judges of courts of limited jurisdiction.

29
30 Section 25. Terms of Initial Members of
31 the Commission on Judicial
32 Disabilities.

33
34 Section 5.26 of the Constitution provides
35 four-year terms for members of this Commission,
36 but requires a system of staggered terms. This
37 section implements that requirement. In this
38 connection, it should be noted that a similar
39 provision is not required for the Judicial
40 Nominating Commissions. The sections dealing
41 with these commissions will not become effective
42 until July 1, 1969, thereby giving the legisla-
43 ture an opportunity to provide for staggered
44 terms. The Disabilities Commissions' provisions
45 will become effective July 1, 1968.

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1 Sections 26 and 27. People's Court of
2 Baltimore City and
3 Municipal Court of
4 Baltimore City.

5
6 The prior Constitution includes considerable
7 detail pertaining to these courts, their powers
8 and their personnel. Sections 26 and 27 pre-
9 serve the existing provisions as legislation
10 subject to change by the General Assembly until
11 the District Court comes into being on January
12 1, 1970. There is no need to preserve Article
13 IV, Section 41-B, of the prior Constitution,
14 since this is merely enabling legislation as
15 to the county People's Courts and has been
16 implemented by the General Assembly by laws
17 which will be continued in existence until
18 modified by the General Assembly, or until
19 January 1, 1970.

20
21 Section 28. Court Dockets and Files.
22

23 This section merely provides for the trans-
24 fer of papers, dockets, records and the like
25 from certain existing courts to the courts
26 which will come into being on July 1, 1968.
27 Since the District Court will not become effec-
28 tive until January 1, 1970, and the Orphans'
29 Court will remain in existence until January
30 1, 1971, the legislature will be able to adopt
31 appropriate provisions as to transfer of dockets
32 in connection with these courts.

33
34 Section 29. Vacancy in Orphans' Court.
35

36 Section 29 continues in effect, until January
37 1, 1971, the present provisions for filling
38 vacancies in the Orphans' Courts.

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1 LOCAL GOVERNMENT

2
3 Section 28, Procedure to Adopt a County Instru-
4 ment of Government, provides a method whereby a
5 county may obtain an instrument of government prior
6 to July 1, 1970. The procedure parallels some
7 of the provisions of Article XIA of the prior Con-
8 stitution but is designed to greatly shorten the
9 length of time necessary for adoption of an instru-
10 ment of government.

11
12 Section 29, Amendment of Instruments of Govern-
13 ment, insures that each county may amend its own
14 instrument of government despite the supersession
15 of Article XIA of the prior Constitution. It is
16 based upon Article XIA, Section 5, and is necessary
17 because some present county charters, including
18 the charter of Baltimore City, do not provide
19 their own means of amendment.

20
21 Section 30, County Commissioners, continues
22 the office of county commissioner for each county
23 until that county acquires an instrument of gov-
24 ernment. Without this provision the office of
25 county commissioner would be abolished by virtue
26 of Section 2 of the Schedule of Transitional
27 Provisions.

28
29 Section 31, County Surveyors, continues that
30 office during the terms of present incumbents.
31 But for this section, the office of county sur-
32 veyor would be abolished by virtue of Section 2
33 of the Schedule of Transitional Provisions. At
34 the expiration of the present term of each incum-
35 bient surveyor, the office will cease to exist unless
36 re-created or continued by legislation.

37
38 GENERAL PROVISIONS

39
40 Section 32, Style of Commissions and Grants,
41 continues a provision of Article IV, Section 13,
42 of the prior Constitution. It is thought to
43 set minimal standards of formality for public
44 commissions and grants.

45
46 Section 33; Procedures for Amendment of the
47 Constitution, continues a provision contained in
48 Article XIV, Section 1, of the prior Constitution
49 and provides for publication of amendments proposed
50 by the General Assembly so that the public may
51 be informed of their content prior to the referen-
52 dum therefor.



I Constitutional Convention

AMENDMENT NO. 1

XXXXXX~~XXXXXXXXXXXXXX~~XXXXXX

To Committee Recommendation No. GP-13

BY DELEGATE S JOHNSON, RYBCZYNSKI

1 On page 2 Section 3. Delayed Effect of
2 Certain Sections strike out all of subsection
3 (a), comprising all of lines 32 through 35,
4 inclusive.

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Amend 1 to GP-13
P. 2 § 3

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett		●	Key	●		Robey, F. C.		●
Tawes	●		Clarke, E.O.J.			Kiefer			Robie, K. L.		
Clark, J.		●	Cleveland			Kirkland	●		Rollins		●
James		●	Dabrowski			Koer		●	Rosenstock		●
● Abramson			Darby		●	Kosakowski			Rush		●
Adkins		●	Della		●	Koss	●		● Rybczynski		
● Anderson			Dorsey	●		Leitzel	●	●	Scanlan	●	
Armor		●	Dukes	●		Linton		●	Schloeder	●	
Bamberger			Dulany		●	Lord		●	● Schneider		
Bard	●		Eckenrode			Macdonald			Sherbow		
Berrick	●		Finch			Malkus	●		Sickles		
Baumann	●		Fornos		●	Marion		●	● Siewierski		
Beachley		●	Fox	●		Mason		●	Singer		
Beall		●	Frederick			Maurer		●	Smith, J. H.		
Bennett		●	Freedlander			Mentzer		●	Smith, M. H.		
Blair	●		Gallagher			● Miller, B.			Sollins		
Boileau		●	Gilchrist			Miller, E.T.			Sosnowski		
Borom		●	Gill			● Mitchell			● Soul		
Bothe		●	Gleason			Morgan		●	● Stern		
Boyce		●	Grant			Moser		●	Storm	●	
Boyer	●		● Groh			Mosner			Sybert		
Boyles	●		Grumbacher			Mudd			● Taylor, H. E.		
Bradshaw		●	Gullett			Murphy			● Taylor, L.		
Bryson		●	Hanson			● Murray, D. S.			Ulrich		
● Burdette			Hardwicke			Murray, E. C.		●	Vecera	●	
Burgess			Hargrove			Needle		●	Wagandt		
Bushong	●		Harkness			Neilson		●	● Webb		
Buzzell			Harris			Neumann		●	Ritter	●	
Byrnes			Henderson			Smith, A. W.		●	Weidemeyer		
Caldwell			● Hickman			Pascal			● Wheatley		
Cardin	●		Hopkins			Penniman			● White		
Carson			● Hostetter			Peters			Willis		
Case			● Hutchinson			Powers	●		Willoner		
Chabot			Jett	●		Price			Winslow		
Child			● Johnson			Pullen					
Cicone			Kahl	●		Raley					

YEAS	N-V	NAYS
100-200	100-200	100-200
0	0	0
1	1	1
● 2	2	2
3	3	● 3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	● 8
9	9	9

DEL. PRO.	COM. REC.	DATE:
		● JAN. 2
1000	100	3
2000	200	1
3000	300	2
4000	400	3
500	50	4
RESO.	60	5
2-R.	70	6
3-R.	80	7
QUO.	90	8
MOT.	00	9
		SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

REFERENCES

1. *W. H. Miller*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

2. *R. L. Smith*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

3. *E. L. Wilen*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

4. *E. L. Wilen*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

5. *E. L. Wilen*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

6. *E. L. Wilen*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

7. *E. L. Wilen*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

8. *E. L. Wilen*, *J. Am. Chem. Soc.*, **52**, 1250 (1930).

Constitutional Convention

AMENDMENT NO. 2

To Committee Recommendation No. GP-13

BY DELEGATE CHABOT

1 On page 2 Section 3. Delayed Effect of
2 Certain Sections strike out all of subsection
3 (b), comprising all of lines 37 through 44,
4 inclusive.

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FOR
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ON

Amend 2 to GP-13

P. 2 § 3

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key		
● Tawes			Clarke, E. J.			● Kiefer		
● Clark, J.			Cleveland			● Kirkland		
● James			● Dabrowski			● Kojer		
Abramsen			● Darby			● Kosakowski		
● Adkins			● Della			● Koss		
Anderson			Dorsey	●		Leitzel	●	
● Armor			Dukes	●		● Linton		
Bamberger			● Dulany			● Lord		
Bard	●		● Eckenrode			Macdonald		
● Barrick			● Finch			Malkus	●	
Baumann			Fornos	●		● Marion		
● Beachley			Fox	●		Mason	●	
● Beall			● Frederick			● Maurer		
Bennett			● Freedlander			● Mentzer		
Blair	●		● Gallagher			● Miller, B.		
Boileau			● Gilchrist			● Miller, E. G.		
Borom	●		● Gill			● Mitchell		
● Bothe			● Gleason			● Morgan		
Boyce			● Grant			● Moser		
Boyer			● Groh			Mosner	●	
Boyles	●		Grumbacher			● Mudd		
Bradshaw			● Gullett			Murphy	●	
Bryson			● Hanson			● Murray, D. S.		
Burdette			Hardwicke			● Murray, E. C.		
Burgess			● Hargrove			● Needle		
Bushong	●		● Harkness			● Neilson		
Buzzell			Harris	●		● Neumann		
Byrnes			Henderson			● Smith, A. W.		
Caldwell			● Hickman			● Pascal		
Cardin			● Hopkins			● Penniman		
Carson			Hostetter			● Peters		
Case			● Hutchinson			● Powers		
Chabot			Jett	●		Price	●	
Child			● Johnson			● Pullen		
Cicone			Kahl	●		● Raley		

104

YEAS	N-V	38	0	NAYS
● 100-200		100-200	● 0	0
● 0 0		0 0	● 0	0 ●
1 1		1 1	● 1	1
2 2		2 2	● 2	2
3 3		3 3	● 3	3
4 4	●	4 4	● 4	4
5 5		5 5	● 5	5
6 6		6 6	● 6	6
7 7		7 7	● 7	7
8 8		8 8	● 8	8
9 9		9 9	● 9	9

DEL. PRO.	COM. REC.	DATE: 1
1000	100	● JAN. 2
2000	200	3
3000	300	1
4000	400	2
	500	3
RESO.	600	4
2-R.	700	5
3-R.	800	6
QUO.	900	7
MOT.	000	SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

Constitutional^J Convention

AMENDMENT NO. 3

XXXXXX XXXXXXXX XXX XXXXXX

To Committee Recommendation No. GP-13

BY DELEGATE S JOHNSON, RYBCZYNSKI

1 On page 2 Section 3. Delayed Effect of
2 Certain Sections strike out all of subsection
3 (c), comprising all of lines 46, 47 and 48.

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and long ago I have written down

the names of the people who
have been here before me
and I have written them down
in my book so that when
I go to see them again
I can tell them who I am
and what I have done
and they will remember
me and say "This is the
man who has come back".

Amend 3 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

P. 2 § 3

YEAS	N-V	NAYS
President		●
Tawes		●
Clark, J.		●
James		●
Abramson		
Adkins		●
Anderson		
Armor		●
Bamberger		●
Bard	●	
Barrick		●
Baumann	●	
Beachley		●
Beall		●
Bennett		●
Blair	●	
Boileau		●
Borom	●	
Bothe	●	
Boyce	●	
Boyer	●	
Boyles	●	
Bradshaw		●
Bryson		
Burdette		
Burgess		
Bushong	●	
Buzzell		
Byrnes		●
Caldwell		●
Cardin		●
Carson		●
Case		●
Chabot		●
Child		●
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E. J.		●
Cleveland		
Dabrowski		●
Darby		●
Della		●
Dorsey	●	
Dukes	●	
Dulany		●
Eckenrod		
Finch		●
Fornos		●
Fox	●	
Frederick		●
Freedlander		●
Gallagher		●
Gilchrist		●
Gill		●
Gleason		●
Grant	●	
Groh		●
Grumbacher		
Gullett		●
Hanson	●	
Hardwicke		
Hargrove		●
Harkness		●
Harris	●	
Henderson		
Hickman	●	
Hopkins		●
Hostette		
Hutchinson		
Jett	●	
Johnson		
Kahl		

YEAS	N-V	NAYS
Key	●	
Kiefer		●
Kirkland	●	
Koger		●
•Kosakowski		
Koss		●
Leitzel		●
Linton		●
Lord		●
•Macdonald		
Malkus	●	
Marion		●
Mason	●	
Maurer		●
Mentzer		●
•Miller, B.		
Miller, E. T.		
•Mitchell		
Morgan		●
Moser		●
Mosner		●
Mudd		●
Murphy		●
•Murray, D. S.		
•Murray, E. C.		
Needle		
Neilson		
Neumann		
Smith, A. W.		
Pascal		
Penniman		
Peters		
Powers		
Price		
Pullen		
Raley		

YEAS	N-V	NAYS
Robey, F. C.		●
•Robie, K. L.		
Rollins		●
Rosenstock		●
Rush	●	
•Rybaczynski		
Scanlan		●
Schlaeder		●
Schneider		●
Sherbow		●
Sickles	●	
Siewierski		
•Singer		
Smith, J. H.		
Smith, M. H.		●
•Sollins		
Sosnowski		
Soul		
•Stern		
Storm	●	
Sybert		
•Taylor, H. E.		
Taylor, L.	●	
Ulrich		
•Vecera		
Wagandt		
•Webb		
Ritter	●	
Weidemeyer		
Wheatley		
•White		
Willis		
Willoner		●
Winslow		

20

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83

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100
2000	200
3000	300
4000	400
	500
RESO.	600
2-R.	700
3-R.	800
QUO.	900
MOT.	000
	10 1
	20 2
	30 3
	40 4
	50 5
	60 6
	70 7
	80 8
	90 9
	00 0

DATE:	1
•JAN.	2
	3
	1
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	6
SEPT.	7
OCT.	8
NOV.	9
DEC.	0

the first time in the history of the world, the
whole of the human race has been gathered
together in one place.

(1871)

It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

The whole of the human race has been
gathered together in one place.

The whole of the human race has been
gathered together in one place.

Constitutional Convention

AMENDMENT NO. ~~4~~

~~XXXXXX~~ _____

To Committee Recommendation No. GP-13

BY DELEGATES MARION, HARDWICKE

1 On page 3 Section 5 Delayed Effect of Section
2 2.06 strike out all of lines 11 through 14,
3 inclusive.

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CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

Amend 4 to GP-13

P. 3 § 5

YEAS	N-V	NAYS
● President		
● Tawes		
● Clark, J.		
● James		
Abramson		
● Adkins		
Anderson		
● Armor		
Bamberger		
Bard	●	
● Barrick		
Baumann	●	
● Beachley		
Beall	●	
Bennett	●	
Blair	●	
● Boileau		
Borom		
Bothe	●	
● Boyce		
● Boyer		
Boyles	●	
● Bradshaw		
Bryson		
● Burdette		
Burgess		
Bushong	●	
● Buzzell		
Byrnes		
Caldwell		
Cardin		
Carson		
Case		
Chabot		
Child		
Cicone		

YEAS	N-V	NAYS
● Clagett		
● Clarke, E. J.		
Cleveland		
● Dabrowski		
● Darby		
Della	●	
Dorsey	●	
Dukes	●	
● Dulany		
Eckenrode		
● Finch		
Fornos		
Fox	●	
● Frederick		
Freedlander		
● Gallagher		
Gilchrist	●	
● Gill		
Gleason		
● Grant		
● Groh		
Grumbacher		
● Gullett		
Hanson		
Hardwicke		
● Hargrove		
Harkness		
Harris	●	
● Henderson		
Hickman		
Hopkins		
Hostetter		
Hutchinson		
Jett	●	
● Johnson		
Kahl	●	

YEAS	N-V	NAYS
● Key		
Kiefer	●	
● Kirkland		
● Kooger		
Kosakowski		
● Koss		
Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus	●	
● Marion		
● Mason		
Maurer		
● Mentzer		
● Miller, B.		
Miller, E. T.		
● Mitchell		
Morgan		
Moser		
Mosner		
● Mudd		
Murphy	●	
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal		
Penniman		
Peters		
Powers		
● Price		
Pullen	●	
● Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
● Rollins		
Rosenstock		
Rush	●	
● Rybczynski		
● Scanlan		
Schloeder		
Schneider		
Sherbow		
Sickles		
● Siewierski		
Singer	●	
● Smith, J. H.		
● Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm	●	
● Sybert		
Taylor, H. E.		
Taylor, L.		
● Ulrich		
● Vecera		
● Wagandt		
● Webb		
Ritter	●	
● Weidemeyer		
● Wheatley		
● White		
● Willis		
● Willoner		
Winslow		

109

33

YEAS	N-V	O	NAYS
● 100-200		100-200	
● 0 0	0 0	● 0 0	● 0 0
1 1	1 1	1 1	1 1
2 2	2 2	2 2	2 2
3 3	3 3	3 3	3 3
4 4	4 4	4 4	4 4
5 5	5 5	5 5	5 5
6 6	6 6	6 6	6 6
7 7	7 7	7 7	7 7
8 8	8 8	8 8	8 8
9 9	9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
	500 50 5
RESO.	600 60 6
2-R.	700 70 7
3-R.	800 80 8
QUO.	900 90 9
MOT.	000 00 0

DATE:	1
● JAN.	2
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DEC.	0

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Constitutional Convention

AMENDMENT NO. 5

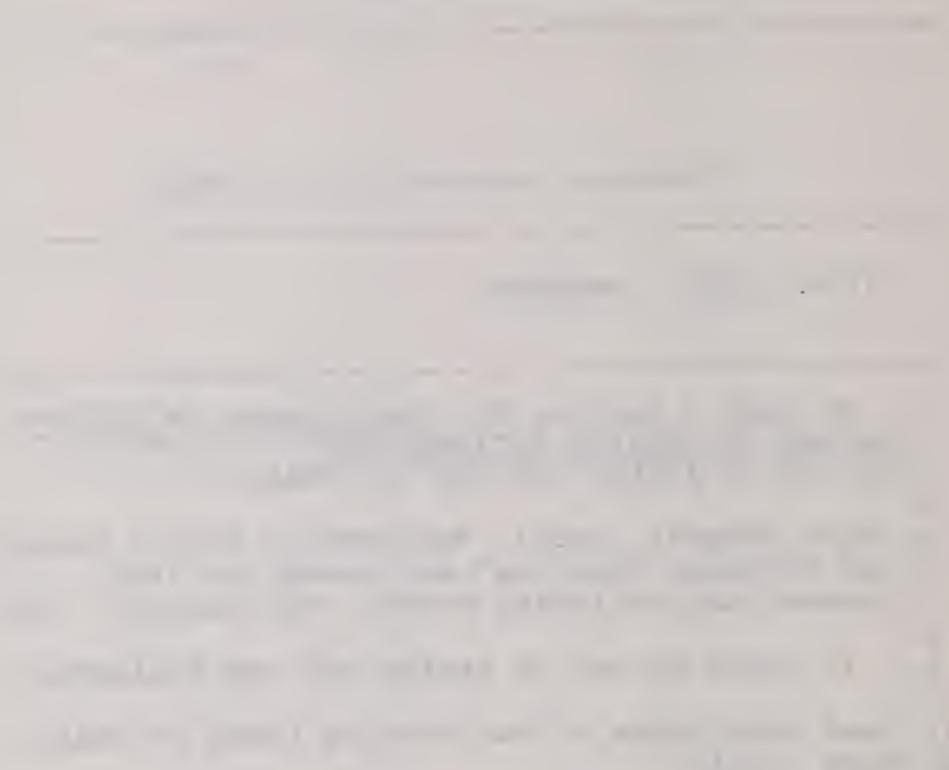
To Committee Recommendation No. GP-13

BY DELEGATE WHEATLEY

1 On page 7 Section 23. Continuance in Office-
2 Judges of Limited Jurisdiction. in lines 31,
3 32 and 33 strike out the following:
4
5 "Anne Arundel, Cecil, Montgomery, Prince George's
6 and Wicomico Counties" and insert in lieu
7 thereof the following words: "any county"; and
8
9 In lines 49 and 50 strike out the following:
10 "and each judge of the Housing Court of Balti-
11 more County".
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WILHELM JENSEN

1871-1923



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Amend 5 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

P. 7 § 23

YEAS	N-V	NAYS
President		●
Tawes	●	
Clark, J.		●
James		●
Abramson		
Adkins	●	
Anderson	●	
Armor	●	
Bamberger	●	
Bard	●	
● Barrick		
Baumann		
Beachley	●	
Beall	●	
Bennett	●	
Blair	●	
Boileau		●
Barom		●
Bothe		●
Boyce		●
Boyer	●	
Boyles		●
Bradshaw		●
Bryson		●
Burdette		●
Burgess		●
Bushong	●	
Buzzell	●	
Byrnes		●
Caldwell		●
Cardin	●	
Carson		●
Case	●	
Chabot		●
Child	●	
Cicone		●

YEAS	N-V	NAYS
Claquett		●
Clarke, E. J.		●
Cleveland		●
● Dabrowski		
● Darby		
● Della		
● Dorsey		
Dukes	●	
Dulany		●
Eckenrode		
Finch		●
Fornos	●	
Fox	●	
● Frederick		
Freedlander		●
Gallagher		●
Gilchrist		●
Gill		●
Gleason		●
Grant		●
Groh		●
Grumbacher		●
Gullett	●	
Hanson		●
Hardwicke		●
Hargrove		●
Harkness		●
Harris	●	
Henderson		●
Hickman	●	
Hopkins		●
Hostetter		
Hutchinson		
Jett		●
● Johnson		
Kahl		

YEAS	N-V	NAYS
Key		●
● Kiefer		
Kirkland		●
Koer		●
● Kosakowski		
Koss		●
Leitzel	●	
Linton		●
Lord		●
Macdonald		●
Malkus	●	
Marion		●
Mason		●
Maurer		●
Mentzer		●
Miller, B.		●
Miller, E. T.		●
Mitchell		●
Morgan		●
Moser		●
Mosner		●
Mudd		●
● Murphy		
Murray, D. S.		●
Murray, E. C.		●
Needle		●
Neilson		●
Neumann		●
Smith, A. W.		●
Pascal		●
Penniman		●
● Peters		
Powers		●
Price		●
Pullen		●
Raley		

YEAS	N-V	NAYS
Robey, F.C.		
Robie, K. L.		●
Rollins		●
Rosenstock		●
Rush	●	
● Rybczynski		
Scanlan		●
Schloeder		●
Schneider		●
Sherbow		●
Sickles		●
Siewierski		●
Singer		●
Smith, J. H.		●
Smith, M. H.		●
Sollins		●
● Sosnowski		
Soul		●
● Stern		
Storm	●	
● Sybert		
Taylor, H. E.		●
Taylor, L.		●
Ulrich		●
● Vecera		
Wagandt		●
Webb		●
Ritter		●
Weidemeyer		●
Wheatley		●
White		●
Willis		●
Willoner		●
Winslow		

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 1
2000	200 2
3000	300 3
4000	400 4
	500 5
RESO.	600 6
2-R.	700 7
3-R.	800 8
QUO.	900 9
MOT.	000 0

DATE: 1
● JAN. 2
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0

the first time in the history of the world, the
whole of the human race has been gathered
together in one place.

It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

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in one place.

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It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

A

Constitutional Convention

AMENDMENT NO. 6

XXXXXXXXXXXXXX

To Committee Recommendation No. GP-13

BY DELEGATE SEE SPONSORS BELOW

1 On page 4 Section 8. Redistricting. in
2 line 5 strike out the numerals "1970" and
3 insert in lieu thereof the numerals "1974".
4
5

6 BY DELEGATES BOYER, BAUMANN, HICKMAN,
7 HOSTETTER, JOHNSON, KAHL, LINTON,
8 MALKUS, MOSNER, RITTER, K.L. ROBIE,
9 ROLLINS, ROSENSTOCK, RUSH,
10 RYBCZYNSKI, M.H. SMITH, VECERA,
11 WEBB, WEIDEMEYER
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CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALLAmend 6 to GP-13
P 4 § 8

YEAS	N-V	NAYS
President		●
Tawes		
Clark, J.		●
James		●
Abramson		
Adkins		
Anderson		●
Armor		●
Bamberger		●
Bard	●	
Barrick		
Baumann		
Beachley		
Beall		
Bennett		●
Blair	●	
Boileau		●
Borom	●	
Bothe		●
Boyce		●
Boyer		
Boyles		
Bradshaw		●
Bryson		●
Burdette		●
Burgess		
Bushong	●	
Buzzell		
Byrnes		●
Caldwell		
Cardin		
Carson		
Case		
Chabot		
Child		
Cicone		●

YEAS	N-V	NAYS
Clagett		●
Clarke, E. J.		●
Cleveland		●
Dabrowski		●
● Darby		
Della		
Dorsey	●	
Dukes	●	
Dulany		●
Eckenrode		
● Finch		
Fornos		●
Fox	●	
● Frederick		
Freedlander		●
Gallagher		●
● Gilchrist		
Gill		●
Gleason		●
● Grant		
Groh		
Grumbacher		●
Gullett		●
Hanson		●
Hardwicke		●
Hargrove		●
● Harkness		
Harris		
Henderson		●
Hickman		
Hopkins		●
● Hostetter		
Hutchinson		
Jett		●
● Johnson		
Kahl	●	

YEAS	N-V	NAYS
Key	●	
● Kiefer		
Kirkland		●
Koer		●
Kosakowski		
Koss		●
Leitzel	●	
● Linton		
● Lord		
Macdonald		●
Malkus	●	
Marion		●
Mason		●
Maurer		●
Mentzer		●
Miller, B.		●
Miller, E. T.		●
Mitchell		●
Morgan		●
Moser		●
● Mosner		
Mudd		●
● Murphy		
● Murray, D. S.		
Murray, E. C.		●
Needle		●
Neilson		●
Neumann		
Smith, A. W.		●
Pascal		●
Penniman		●
● Peters		
Powers		●
Price		
● Pullen		
Raley		

YEAS	N-V	NAYS
Robey, F.C.		
Robie, K. L.		●
● Rollins		
● Rosenstock		
Rush		
● Rybczynski		
Scanlan		
Schloeder		
Schneider		
● Sherbow		
Sickles		
Siewierski		
Singer		
Smith, J. H.		
● Smith, M. H.		
Sollins		
● Sosnowski		
Soul		
Stern		
Storm	●	
Sybert		
Taylor, H.E.		
Taylor, L.		
Ulrich		
● Vecera		
Wagandt		
Webb	●	
Ritter	●	
● Weidemeyer		
Wheatley		
White		
● Willis		
Willoner		
Winslow		

49

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0 ●
1 1	1 1	1 1
2 2	● 2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	● 7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
500	50 5
RESO.	600 60 6 ●
2-R.	700 70 7
3-R.	800 80 8
QUO.	900 90 9
MOT.	000 00 0

DATE: 1

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DEC. 0

the first time in the history of the world.

He was born in 1854 at

Winnipeg, Manitoba, Canada.

He died in 1924 at

Winnipeg, Manitoba, Canada.

He was a member of the Royal Canadian Legion.

He was a member of the Royal Canadian Legion.

He was a member of the Royal Canadian Legion.

He was a member of the Royal Canadian Legion.

He was a member of the Royal Canadian Legion.

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Constitutional Convention

AMENDMENT NO. 7

Xxxxxxxxxxxxxxxxxxxxxxx

To Committee Recommendation No. GP-13

BY DELEGATE FORNOS

1 On page 18 Section 8. Salary of Governor
2 in line 40 strike out the words: "Forty
3 Thousand Dollars" and insert in lieu thereof
4 the following words: "Twenty-Five Thousand
5 Dollars".

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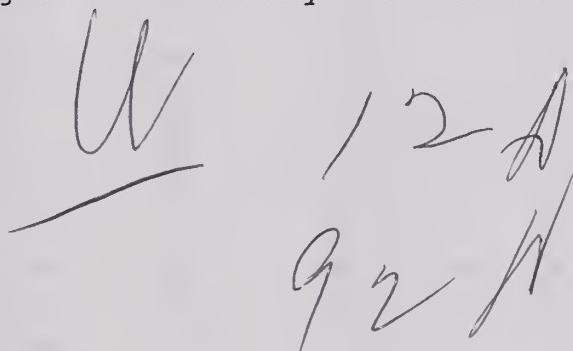
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W J Fornos

Amend 7 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

P. 18 § 8

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett		●	Key		●	Robey, F.C.		
Tawes		●	Clarke, E. J.		●	Kiefer		●	Robie, K. L.		
• Clark, J.			Cleveland		●	Kirkland	●		Rollins		
James		●	Dabrowski			Koger		●	Rosenstock		
Abramson		●	Darby	●		Kosakowski		●	• Rush		
Adkins		●	Della	●		Koss		●	Rybczynski		
Anderson		●	Dorsey	●		Leitzel		●	Scanlan		
Armor		●	Dukes	●		Linton		●	Schloeder		
Bamberger		●	Dulany		●	Lord		●	• Schneider		
Bard	●		Eckenrode			Macdonald		●	Sherbow		
Barrick		●	Finch		●	Malkus	●		Sickles		
Baumann		●	• Fornos			Marion		●	Siewierski		
Beachley		●	Fox	●		Mason		●	Singer	●	
Beall	●		Frederick			Meurer		●	Smith, J. H.		
Bennett		●	Freedlander		●	Mentzer		●	• Smith, M. H.		
Blair	●		Gallagher			Miller, B.			Sollins		
Boileau		●	• Gilchrist			Miller, E. T.			Sosnowski		
Boram		●	Gill			Mitchell		●	Soul		
Bothe	●		Gleason			Morgan		●	Stern		
Boyce	●		Grant			Moser		●	Storm	●	
Boyer		●	• Groh			Mosner		●	Sybert		
Boyles		●	Grumbacher			Mudd		●	Taylor, H.E.		
Bradshaw		●	Gullett			Murphy	●		Taylor, L.		
Bryson		●	Hanson			Murray, D. S.		●	Ulrich		
Burdette		●	Hardwicke			• Murray, E. C.			Vecera	●	
Burgess		●	Hargrove			Needle		●	Wagandt		
Bushong	●		Harkness			Neilson		●	Webb	●	
Buzzell		●	Harris	●		Neumann		●	Ritter		
Byrnes		●	Henderson			Smith, A. W.		●	• Weidemeyer		
Caldwell		●	Hickman			Pascal			Wheatley		
Cardin		●	Hopkins			Penniman			White		
Carson		●	Hostetter			Peters			Willis		
Case		●	Hutchinson			Powers		●	• Willoner		
Chabot		●	Jett			Price		●	Winslow		
Child		●	Johnson		●	Pullen					
Cicone		●	Kahl	●		Raley		●			

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	● 3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	● 9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
	500 50 5
RESO.	600 60 6
2-R.	700 70 7
3-R.	800 80 8
QUO.	900 90 9
MOT.	1000 100 0

DATE:	1
● JAN.	2
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SEPT.	7
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NOV.	9
DEC.	0

19. *Phragmites* *australis* (L.) Trin. ex Steud.

10. *Phragmites* *australis* (L.) Trin. ex Steud.

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U Constitutional Convention

AMENDMENT NO. 18

To Committee Recommendation No. GP-13

BY DELEGATE GLEASON.

1 On pages 19 and 20 strike out all of Section 14.
2 Board of Public Works and Board of Review
3 comprising all of lines 44 through 50, inclusive,
4 on page 19 and all of lines 1 through 10, inclu-
5 sive, on page 20.

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Worthington, Jonathan

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Amend 8 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

Pp. 19 and 20 § 14.

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett		●	Key		●	Robey, F.C.		
Tawes		●	Clarke, E. J.		●	Kiefer		●	Robie, K. L.		
Clark, J.		●	Cleveland		●	Kirkland	●		Rollins		
James		●	Dabrowski			Koerger		●	Rosenstock		
Abrams			Darby	●		● Kosakowski			Rush		
Adkins		●	Della	●		● Koss			Rybaczynski		
Anderson	●		Dorsey	●		Leitzel		●	Scanlan	●	
Armor		●	Dukes	●		● Linton			Schloeder		
Bamberger			Dulany		●	Lord		●	Schneider		
Bard	●		Eckenrode		●	Macdonald			Sherbow	●	
Barrick	●		Finch		●	Malkus	●		Sickles		
Baumann			● Fornos			● Marion			Siewierski		
Beachley	●		Fox	●		Mason		●	Singer		
Beall	●		Frederick			● Maurer			Smith, J. H.		
Bennett		●	Freedlander			Mentzer		●	Smith, M. H.		
Blair	●		Gallagher			Miller, B.			● Sollins		
Boileau	●		● Gilchrist			Miller, E. T.			Sosnowski		
Borom	●		Gill			Mitchell	●		Soul		
Bothe	●		Gleason			Morgan		●	Stern		
Boyce	●		Grant			Moser		●	Storm		
Boyer			Groh			Mosner		●	Sybert		
Boyles			Grumbacher		●	Mudd			Taylor, H. E.		
Bradshaw			● Gullett			Murphy	●		Taylor, L.		
Bryson			Hanson			Murray, D. S.		●	Ulrich		
Burdette	●		Hardwicke		●	Murray, E. C.			Vecera		
Burgess		●	Hargrove			Needle	●		Wagandt		
Bushong	●		Harkness		●	Neilson			Webb		
Buzzell			Harris	●		Neumann			Ritter		
Byrnes			Henderson		●	Smith, A. W.		●	Weidemeyer		
Caldwell			Hickman			Pascal	●		Wheatley		
Cardin			Hopkins			● Penniman			White		
Carson	●		Hostetter			Peters	●		Willis		
Case			Hutchinson			Powers		●	Willoner		
Chabot	●		Jett			Price	●		Winslow		
Child		●	Johnson		●	Pullen					
Cicone		●	Kahl	●		Raley					

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE: 1 ● JAN. 2
1000	100	3
2000	200	1
3000	300	2
4000	400	3
500	50	4
RESO.	60	5
2-R.	70	6
3-R.	80	7
QUO.	90	8
MOT.	00	9
		SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0



Constitutional Convention

AMENDMENT NO. (9)

XXXXXX XXXXXXXX

To Committee Recommendation No. GP-13

BY DELEGATE MUDD

1 On page 25 Section 24. Pension of Former
2 Judges in line 49 strike out the following:
3 "July 1" and insert in lieu thereof the following:
4 "June 30".

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1907-1908. 1908-1909.

1908-1909. 1909-1910.

1909-1910. 1910-1911.

1910-1911. 1911-1912.

1911-1912. 1912-1913.

1912-1913. 1913-1914.

1913-1914. 1914-1915.

1914-1915. 1915-1916.

1915-1916. 1916-1917.

1916-1917. 1917-1918.

1917-1918. 1918-1919.

1918-1919. 1919-1920.

1919-1920. 1920-1921.

1920-1921. 1921-1922.

1921-1922. 1922-1923.

1922-1923. 1923-1924.

1923-1924. 1924-1925.

1924-1925. 1925-1926.

1925-1926. 1926-1927.

1926-1927. 1927-1928.

1927-1928. 1928-1929.

1928-1929. 1929-1930.

1929-1930. 1930-1931.

Amend 9 to GP-13

2

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

P 25

§ 24

YEAS	N-V	NAYS
● President		
● Tawes		
● Clark, J.		
● James		
Abrams		
Adkins	●	
Anderson		
● Armor		
Bamberger		
Bard	●	
● Barrick		
Baumann		
● Beachley		
Beall	●	
● Bennett		
Blair	●	
● Boileau		
Borom	●	
Bothe	●	
Boyce	●	
● Boyer		
Boyles		
Bradshaw		
Bryson		
Burdette		
Burgess		
Bushong	●	
Buzzell		
Byrnes		
Caldwell		
Cardin		
Carson		
Case	●	
Chabot		
Child		
Cicone		

YEAS	N-V	NAYS
● Claegett		
● Clarke, E. J.		
● Cleveland		
Dabrowski		
Darby	●	
Della	●	
Dorsey	●	
Dukes	●	
● Dulany		
Eckenrode		
● Finch		
● Fornos		
Fox	●	
Frederick	●	
● Freedlander		
Gallagher		
● Gilchrist		
Gill	●	
Gleason	●	
● Grant		
Groh		
Grumbacher		
Gullett	●	
Hanson	●	
Hardwicke		
Hargrove		
Harkness		
Harris	●	
● Henderson		
Hickman		
Hopkins		
Hostetter		
Hutchinson		
Jett		
Johnson	●	
Kahl	●	

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland	●	
Koqer	●	
Kosakowski		
Koss		
● Leitzel		
Linton		
● Lord		
Macdonald		
Malkus	●	
● Marion		
Mason		
● Maurer		
Mentzer		
Miller, B.	●	
Miller, E. T.		
Mitchell	●	
● Morgan		
Moser		
Mosner		
● Mudd		
Murphy	●	
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
Neumann		
● Smith, A. W.		
Pascal	●	
Penniman	●	
Peters	●	
● Powers		
Price	●	
Pullen	●	
Raley		

YEAS	N-V	NAYS
● Robey, F.C.		
● Robie, K. L.		
● Rollins		
● Rosenstock		
● Rush		
● Rybczynski		
Scanlan	●	
● Schloeder		
Schneider		
● Sherbow		
Sickles	●	
Siewierski		
Singer	●	
● Smith, J. H.		
● Smith, M. H.		
Sollins		
Sosnowski		
Soul		
Stern		
Storm	●	
● Sybert		
Taylor, H.E.		
● Taylor, L.		
Ulrich		
Vecera	●	
● Wagandt		
Webb	●	
Ritter	●	
● Weidemeyer		
Wheatley		
● White		
Willis	●	
Willoner	●	
Winslow		

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	● 0 0 ●
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	● 0 0 ●
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.
1000	100 10 1
2000	200 20 2
3000	300 30 3
4000	400 40 4
500	50 5 5
RESO	600 60 6
2-R.	700 70 7
3-R.	800 80 8
QUO.	900 90 9 ●
MOT	000 00 0

DATE:	1
● JAN.	2
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SEPT.	7
OCT.	8
NOV.	9
DEC.	0

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALLAmend 10 to GP-13
P.28 § 30

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President		● Clagett	● Key		● Robey, F.C.			
● Tawes		● Clarke, E. J.	● Kiefer	● Kirkland	● Robie, K. L.			
● Clark, J.		● Cleveland	● Kooger		● Rollins			
● James		Dabrowski	● Kosakowski	● Rosenstock				
Abramson	●	Darby	Koss	● Rush				
Adkins	●	Della	● Leitzel	● Rybczynski				
Anderson		Dorsey	● Linton	● Scanlan				
Armor		Dukes	Lord	● Schloeder				
Bamberger		● Dulany	● Macdonald	● Schneider				
Bard	●	● Eckenrode	Malkus	● Sherbow				
Barrick		● Finch	● Marion	● Sickles				
Baumann	●	● Fornos	● Mason	● Siewierski				
Beachley		Fox	● Maurer	Singer				
Beall	●	● Frederick	● Mentzer	● Smith, J. H.				
Bennett		● Freedlander	● Miller, B.	● Smith, M. H.				
Blair	●	● Gallagher	Miller, E. T.	● Sollins				
Boileau		Gilchrist	● Mitchell	● Sosnowski				
Borom	●	● Gill	● Morgan	● Soul				
Bothe		Gleason	● Moser	● Stern				
Boyce	●	● Grant	● Mosner	Storm				
Boyer	●	Groh	● Mudd	● Sybert				
Boyles		Grumbacher	Murphy	Taylor, H. E.				
Bradshaw		Gullett	● Murray, D. S.	Taylor, L.				
Bryson		Hanson	● Murray, E. C.	● Ulrich				
Burdette		Hardwicke	● Needle	Vecera				
Burgess		Hargrove	● Neilson	● Wagandt				
Bushong	●	Harkness	Neumann	Webb				
Buzzell		Harris	● Smith, A. W.	Ritter				
Byrnes		Henderson	● Pascal	● Weidemeyer				
Caldwell		Hickman	● Penniman	Wheatley				
Cardin		Hopkins	Peters	● White				
Carson		Hostetter	● Powers	● Willis				
Case	●	Hutchinson	Price	Willoner				
Chabot		Jett	● Pullen	Winslow				
Child		Johnson	● Raley					
Cicone		Kahl						

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YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	● 0 0 ●
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5 ●	5 5
6 6	6 6	6 6
7 7 ●	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100 ● 10 1	● JAN. 2 3
2000	200 20 2	1
3000	300 30 3	2
4000	400 40 4	3
	500 50 5	4 ●
RESO.	600 60 6	5
2-R.	700 70 7	6
3-R.	800 80 8	SEPT. 7
QUO.	900 90 9	OCT. 8
MOT.	00 0 ●	NOV. 9
		DEC. 0

the first time in the history of the world, the
whole of the human race has been gathered
together in one place.

It is a great thing to have all the
people of the world gathered together
in one place.

It is a great thing to have all the
people of the world gathered together
in one place.

It is a great thing to have all the
people of the world gathered together
in one place.

Constitutional Convention

AMENDMENT NO. 11

XXXXX~~XXXXXXXXXXXX~~XXXXXX

To Committee Recommendation No. GP-13

BY DELEGATE S MOSER, HARDWICKE

1 On page 29 following line 33 of Section 33.
2 County Surveyors. add this new section:

3
4 "Section 33A. County Elections.
5 All elections for county offices held in
6 November, 1970, shall be for those offices
7 provided for by the instrument of government
8 effective or to become effective on January 6,
9 1971 for that county."
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CONSTITUTIONAL CONVENTION OF MARYLAND

1967

ROLL CALL

Amend 11 to GP-1
P. 29 New § 33A

YEAS N-V NAYS

- President
- Tawes
- Clark, J.
- James
- Abrams
- Adkins
- Anderson
- Armor
- Bamberger
- Bard
- Barrick
- Baumann
- Beachley
- Beall
- Bennett
- Blair
- Boileau
- Borom
- Bothe
- Boyce
- Boyer
- Boyles
- Bradshaw
- Bryson
- Burdette
- Burgess
- Bushong
- Buzzell
- Byrnes
- Caldwell
- Cardin
- Carson
- Case
- Chabot
- Child
- Cicone

YEAS N-V

- Claggett
- Clarke, E. J.
- Cleveland
- Dabrowski
- Darby
- Della
- Dorsey
- Dukes
- Dulany
- Eckenrode
- Finch
- Fornos
- Fox
- Frederick
- Freedlander
- Gallagher
- Gilchrist
- Gill
- Gleason
- Grant
- Groh
- Grumbacher
- Gullett
- Hanson
- Hardwicke
- Hargrove
- Harkness
- Harris
- Henderson
- Hickman
- Hopkins
- Hostette
- Hutchinson
- Jett
- Johnson
- Kahl

NAYS

- Key
- Kiefer
- Kirkland
- Koer
- Kosakowski
- Koss
- Leitzel
- Linton
- Lord
- Macdonald
- Malkus
- Marion
- Mason
- Maurer
- Mentzer
- Miller, B.
- Miller, E. T.
- Mitchell
- Morgan
- Moser
- Mosner
- Mudd
- Murphy
- Murray, D. S.
- Murray, E. C.
- Needle
- Neilson
- Neumann
- Smith, A. W.
- Pascal
- Penniman
- Peters
- Powers
- Price
- Pullen
- Raley

NAYS

- Robey, F.C.
- Robbie, K. L.
- Rollins
- Rosenstock
- Rush
- Rybczynski
- Scanlan
- Schloeder
- Schneider
- Sherbow
- Sickles
- Siewierski
- Singer
- Smith, J. H.
- Smith, M. H.
- Sollins
- Sosnowski
- Soul
- Stern
- Storm
- Sybert
- Taylor, H.E.
- Taylor, L.
- Ulrich
- Vecera
- Wagandt
- Webb
- Ritter
- Weidemeyer
- Wheatley
- White
- Willis
- Willoner
- Winslow

88

YEAS 100-200	N-V 100-200	NAYS 100-200
0 0	0 0	● 0 0 ●
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4 ●	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
● 8 8 ●	8 8	8 8
9 9	9 9	9 9

DATE: 1 ● JAN. 2
3
1
2
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0

DEL. PRO.	COM. REC.
1000	● 10 1 ●
2000	20 2
3000	30 3
4000	40 4
500	50 5
RESO.	60 6
2-R.	70 7
3-R.	80 8
QUO.	90 9
MOT.	00 0

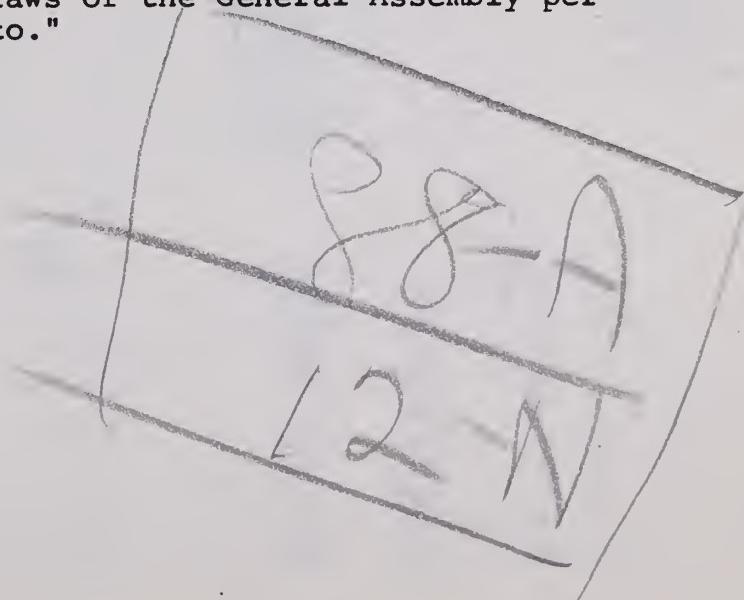
P

Constitutional Convention

AMENDMENT NO. 12

To Committee Recommendation No. GP-13

GRANT, BARRICK, BOILEAU, CARDIN,
BY DELEGATES CARSON, CASE, JAMES, KIRKLAND,
MOSER, NEEDLE, NEUMANN, ROLLINS, SYBERT, WILLIS,
WILLONER.

- 1 On page 29 following line 33 of Section 33.
2 County Surveyors add the following new section:
3
4 "Section 33A. Charter Amendments of Municipal
5 Corporations.
6 Any municipal corporation existing on June 30,
7 1968, shall have the power and authority
8 (a) to amend or repeal an existing charter or
9 local laws relating to the incorporation, orga-
10 nization, government, or affairs of said
11 Municipal Corporation heretofore enacted by the
12 General Assembly of Maryland, and (b) to adopt
13 a new charter and to amend or repeal any charter
14 consistent with the provisions of this Constitu-
15 tion and any laws of the General Assembly per-
16 taining thereto."
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Amend 12 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

P.29 New § 33 B.

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President		Clagett ●	● Key			● Robey, F. C.			● Robey, F. C.		
● Tawes		● Clarke, E. J.	● Kiefer			● Robie, K.L.			● Rollins		
● Clark, J.		● Cleveland	● Kirkland ●			● Rosenstock			● Rush	●	
● James		Dabrowski	● Kooper			● Rybczynski			● Scanlan	●	
Abramson		● Darby	● Kosakowski			● Schloeder			● Schneider		
● Adkins		Della	● Koss			● Sherbow			● Sickles		
Anderson		Dorsey	● Leitzel			● Siewierski			Singer ●		
Armor	●	Dukes	● Linton			● Smith, J. H.			● Smith, J. H.		
● Bamberger		● Dulany	● Lord			● Smith, M. H.			● Sollins		
Bard	●	● Eckenrode	Macdonald		●	● Sosnowski			● Soul		
● Barick		● Finch	Malkus ●		●	● Stern			● Storm	●	
Baumann		Fornos	● Marion		●	● Sybert			Taylor, H.E.		
● Beachley		Fox	● Mason			Taylor, L.			● Ulrich		
Beall	●	Frederick	● Maurer			● Vecera			● Wagand		
Bennett		Freedlander	● Mentzer			● Webb			Ritter ●		
Blair	●	Gallagher	Miller, B.			● Weidemeyer			● Wheatley		
● Boileau		Gilchrist	Miller, E. T.			● White			● Willis		
Borom	●	Gill	● Mitchell			● Willoner			● Winslow		
● Bothe		Gleason ●	● Morgan								
Boyce	●	Grant	● Moser								
● Boyer		Groh	● Mosner								
● Boyles		Grumbacher	● Mudd								
● Bradshaw		Gullett	Murphy ●								
Bryson		Hanson ●	● Murray, D. S.								
Burdette		Hardwicke	● Murray, E. C.								
Burgess		Hargrove	● Needle								
Bushong	●	Harkness	● Neilson								
Buzzell		Harris ●	Neumann ●								
● Byrnes		Henderson	● Smith, A. W.								
Caldwell		Hickman	● Pascal								
● Cardin		Hopkins	● Penniman								
● Carson		Hostetter	● Peters								
● Case		Hutchinson	● Powers								
● Chabot		Jett	Price ●								
● Child		Johnson	● Pullen								
● Cicone		Kahl	● Raley								

88

YEAS	N-V	NAYS
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1 ●	● 1 1
2 2	2 2	2 2 ●
3 3	3 3	3 3
4 4	● 4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
● 8 8 ●	8 8	8 8
9 9	9 9	9 9

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DEL. PRO.	COM. REC.	DATE: 1
1000	● 10 1	● JAN. 2
2000	20 2 ●	3
3000	30 3	1
4000	40 4	2
500	50 5	3
RESO.	60 6	4 ●
2-R.	70 7	5
3-R.	80 8	6
QUO.	90 9	SEPT. 7
MOT.	000 0	OCT. 8
		NOV. 9
		DEC. 0

AD

Constitutional Convention

AMENDMENT NO. ~~13~~ 13

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To Committee Recommendation No. GP-13

BY DELEGATE SEE SPONSORS BELOW

1 On page 10 Section 30 Judicial Compensation
2 in line 13 after the word "Except" add the
3 letter "a";
4

5 and following line 25 add the following:

6
7 "(b) The initial salary to be paid by the
8 State to a judge of the Court of Appeals shall
9 not be less than the total salary, including
10 any local supplementation, paid on January 1,
11 1968 to the chief judge of the Court of
12 Appeals established under the prior constitu-
13 tion.

14
15 (c) The initial salary to be paid by the
16 State to a judge of the Intermediate
17 Appellate Court shall not be less than the
18 total salary including any local supple-
19 mentation paid on January 1, 1968 to the
20 chief judge of the Court of Special Appeals.

21
22 (d) The initial salary to be paid by the
23 State to a judge of the Superior Court shall
24 not be less than the total salary including
25 any local supplementation paid on January 1,
26 1968 to the chief judge of the Supreme Bench
27 of Baltimore City.
28

29 (e) In establishing a uniform scale of
30 judicial salaries and pensions, including
31 those for the District Court, the General
32 Assembly may disregard any local supplementation

1 or local salary or pension authorized after
2 January 1, 1968 and such action shall not be
3 deemed to be a diminution of a judge's
4 salary or pension."

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9 BY DELEGATES FORNOS, ABRAMSON, BOILEAU, BYRNES,
10 CARSON, GALLAGHER, GILCHRIST,
11 GILL, LORD, MORGAN, MOSER, MUDD,
12 E.C. MURRAY, POWERS, ROSENSTOCK,
13 J.H. SMITH, M.H. SMITH, WILLONER,
14 HARKNESS, JOHNSON

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Amend 13 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND

1967

ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President			● Clagett			● Key	●	
Tawes	●		● Clarke, E. J.			● Kiefer	●	
● Clark, J.			● Cleveland			● Kirkland	●	
● James			● Dabrowski			● Koerger		
Abrams			Darby	●		Kosakowski		
Adkins	●		Della	●		● Koss		
Anderson			Dorsey	●		● Leitzel		
● Armor			● Dukes			● Linton		
Bamberger			● Dulany			Lord	●	
● Bard			● Eckenrode			Macdonald		
● Barrick			● Finch			Malkus	●	
Baumann			● Fornos			Marion	●	
Beachley			Fox	●		● Mason		
Beall	●		Frederick			● Maurer		
● Bennett			Freedlander			Mentzer	●	
Blair			Gallagher			Miller, B.	●	
Boileau			Gilchrist			Miller, E. T.		
● Borom			Gill			● Mitchell		
● Bothe			Gleason			Morgan	●	
Boyce	●		Grant			● Moser		
Boyer		●	Groh	●		Mosner	●	
Boyles	●		● Grumbacher			● Mudd		
Bradshaw			Gullett	●		Murphy		
● Bryson			Hanson	●		Murray, D. S.		
Burdette	●		● Hardwicke			Murray, E. C.		
Burgess	●		Hargrove			● Needle		
Bushong	●		● Harkness			● Neilson		
Buzzell	●		Harris	●		● Neumann		
Byrnes	●		● Henderson			● Smith, A. W.		
● Caldwell			Hickman			Pascal	●	
● Cardin			Hopkins			Penniman	●	
Carson	●		● Hostetter			Peters	●	
● Case			● Hutchinson			● Powers		
Chabot	●		Jett			Price	●	
Child	●		● Johnson			● Pullen		
Cicone	●		Kahl			● Raley		

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YEAS	N-V	NAYS
100-200		100-200
0 0	0 0	● 0 0
1 1	1 1	1 1
2 2	2 2	2 2 ●
3 3	3 3	3 3
4 4	4 4	4 4
5 5	● 5 5	5 5
6 6	6 6 ●	6 6
7 7	7 7	7 7
● 8 8	8 8	8 8
9 9	9 9	9 9

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DEL. PRO.	COM. REC.	DATE:
1000	100	● JAN. 2
2000	200	3
3000	300	1
4000	400	2
500	50	3
RESO.	60	4
2-R.	70	5
3-R.	80	6
QUO.	90	7
MOT.	00	SEPT. 7
		OCT. 8
		NOV. 9
		DEC. 0

AE

Constitutional Convention

AMENDMENT NO. 14

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To Committee Recommendation No. GP-13

BY DELEGATE SEE SPONSORS BELOW

- 1 On pages 21 and 22 strike out all of Section 21.
- 2 Judicial Salaries comprising lines 47, 48, 49
- 3 and 50 on page 21 and all of lines 1 through 33,
- 4 inclusive on page 22 and insert in lieu thereof
- 5 the following:
- 6
- 7 "Section 21. Vacant.";
- 8
- 9 and on pages 22, 23 and 24 strike out all of
- 10 lines 35 through 50, inclusive, on page 22,
- 11 all of lines 1 through 33, inclusive, on page 23
- 12 and all of lines 1 through 17, inclusive on
- 13 page 24 and insert in lieu thereof the following:
- 14
- 15 "Section 22. Judicial Pensions";
- 16
- 17 and on page 24 in lines 19 and 32 respectively
- 18 strike out the following: "(1)" and "(2)" and
- 19 insert in lieu thereof respectively "(a)" and
- 20 "(b)";
- 21
- 22 and on pages 24 and 25 strike out all of lines
- 23 44 through 50, inclusive on page 24 and line 1
- 24 on page 25 and insert in lieu thereof the
- 25 following: "(c)";
- 26
- 27 and on page 25 strike out all of Section 23.
- 28 Pensions of Spouses of Judges comprising
- 29 lines 13 through 44, inclusive, and insert in
- 30 lieu thereof the following:
- 31
- 32 "Section 23. Vacant."

1 BY DELEGATES FORNOS, ABRAMSON, BOILEAU, BYRNES,
2 CARSON, GALLAGHER, GILCHRIST,
3 GILL, HARKNESS, JOHNSON, LORD,
4 MORGAN, MOSER, MUDD, E.C. MURRAY,
5 POWERS, ROSENSTOCK, J.H. SMITH,
6 M.H. SMITH, WILLONER
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Amend 14 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND
1967
ROLL CALL

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● President		● Claquett	● Key		● Robey, F. C.	● Robie, K. L.					
● Tawes		● Clarke, E. J.	● Kiefer	●	● Rollins						
● Clark, J.		● Cleveland	● Kirkland	●	● Rosenstock						
● James		● Dabrowski	● Koger		● Rush	●					
Abramson		● Darby	● Kosakowski		● Rybczynski						
Adkins ●		● Della	● Koss		● Scanlan						
Anderson		● Dorsey	● Leitzel		● Schloeder						
● Armor		● Dukes	● Linton		● Schneider						
● Bamberger		● Dulany	● Lord	●	● Sherbow						
● Bard		● Eckenrode	● Macdonald		● Sickles						
Barrick ●		● Finch	● Malkus	●	● Siewierski						
Baumann	●	● Fornos	● Marion	●	● Singer	●					
Beachley ●		● Fox	● Mason		● Smith, J. H.						
Beall ●		● Frederick	● Maurer		● Smith, M. H.						
Bennett ●		● Freedlander	● Mentzer	●	● Sollins						
Blair ●		● Gallagher	● Miller, B.		● Sosnowski						
● Boileau		● Gilchrist	● Miller, E. T.		● Soul						
● Borom		● Gill	● Mitchell		● Stern						
● Bothe		● Gleason	● Morgan	●	● Storm	●					
Boyce	●	● Grant	● Moser		● Sybert						
Boyer		● Groh	● Mosner	●	● Taylor, H. E.						
Boyles ●		● Grumbacher	● Mudd		● Taylor, L.						
● Bradshaw		● Gullett	● Murphy		● Ulrich						
Bryson		● Hanson	● Murray, D. S.		● Vecera						
Burdette ●		● Hardwicke	● Murray, E. C.		● Wagandt						
Burgess ●		● Hargrove	● Needle		● Webb						
Bushong ●		● Harkness	● Neilson		● Ritter	●					
Buzzell ●		● Harris	● Neumann		● Weidemeyer						
Byrnes ●		● Henderson	● Smith, A. W.		● Wheatley						
● Caldwell		● Hickman	● Pascal	●	● White						
● Cardin		● Hopkins	● Penniman		● Willis						
Carson ●		● Hostetter	● Peters	●	● Willoner						
Case ●		● Hutchinson	● Powers		● Winslow						
● Chabot		● Jett	● Price								
Child ●		● Johnson	● Pullen								
Cicone ●		● Kahl	● Raley								

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YEAS	N-V		YEAS	N-V		YEAS	N-V	
100-200	100-200	100-200	100-200	100-200	100-200	100-200	100-200	100-200
0 0	0	0	● 0	0	● 0	● 10	1	
1 1	1	1	1	1	1	20	2	
2 2	2	2	2	2	2	30	3	
3 3	3	3	3	3	3	40	4	
4 4	4	4	4	4	4	50	5	
5 5	● 5	5	● 5	5	● 5	60	6	
6 6	6	6	6	6	6	70	7	
7 7	7	7	7	7	7	80	8	
● 8 8	8	8	8	8	8	90	9	
9 9	9	9	9	9	9	00	0	

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DEL. PRO.	COM. REC.	DEL. PRO.								
● JAN.	2									
1000	100	2000	200	3000	300	4000	400	500	50	
2000	200	3000	300	4000	400	5000	500	600	60	
3000	300	4000	400	5000	500	6000	600	700	70	
4000	400	5000	500	6000	600	7000	700	800	80	
500	50	600	60	700	70	800	80	900	90	
RESO.	60	700	70	800	80	900	90	1000	100	
2-R.	70	800	80	900	90	1000	100			
3-R.	80	900	90	1000	100					
QUO.	90									
MOT.	00									

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● JAN. 2
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SEPT. 7
OCT. 8
NOV. 9
DEC. 0

Amend 15 to GP-13

CONSTITUTIONAL CONVENTION OF MARYLAND

1967
ROLL CALL

P. 21 § 80A.

YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
President		●	Clagett		●	Key		●	Robey, F. C.		●
Tawes	●		Clarke, E. J.		●	Kiefer	●		Robie, K. L.		●
Clark, J.		●	Cleveland		●	Kirkland	●		Rollins	●	
James		●	Dabrowski		●	Koger		●	Rosenstock		
Abramson			Darby		●	Kosakowski			Rush		
Adkins		●	● Della			Koss		●	● Rybczynski		
Anderson	●		● Dorsey			Leitzel		●	Scanlan		
Armor		●	● Dukes			Linton		●	Schloeder		
Bamberger		●	Dulany		●	Lord		●	Schneider		
Bard		●	Eckenrode		●	● Macdonald			Sherbow		
Barrick		●	Finch		●	Malkus	●		Sickles		
Baumann			Fornos		●	Marion	●		● Siewierski		
Beachley	●		Fox	●	●	Mason	●		Singer	●	
Beall	●		Frederick			Maurer	●		Smith, J. H.		
Bennett		●	Freedlander			Mentzer	●		Smith, M. H.		
Blair			Gallagher		●	Miller, B.			Sollins		
Boileau			Gilchrist		●	Miller, E. T.			● Sosnowski		
Borom		●	Gill		●	● Mitchell			Soul		
Bothe		●	Gleason			Morgan		●	● Stern		
Boyce	●		Grant	●		Moser	●		● Storm		
Boyer			Groh			● Mosner			● Sybert		
Boyles	●		Grumbacher			Mudd		●	● Taylor, H. E.		
Bradshaw		●	Gullett	●		Murphy	●		Taylor, L.		
Bryson		●	Hanson	●		Murray, D. S.		●	Ulrich		
Burdette	●		Hardwicke			● Murray, E. C.			Vecera	●	
Burgess		●	Hargrove			● Needle			Wagandt		
Bushong	●		Harkness			Neilson		●	● Webb		
Buzzell		●	Harris	●		Neumann			Ritter	●	
Byrnes		●	Henderson			Smith, A. W.		●	Weidemeyer		
Caldwell			Hickman			Pascal	●		Wheatley	●	
Cardin		●	Hopkins			Penniman			White		
Carson	●		Hostetter			Peters			Willis		
Case		●	Hutchinson			Powers			Willoner	●	
Chabot		●	Jett			Price			Winslow		
Child		●	Johnson		●	Pullen					
Cicone	●		Kahl			Raley					

YEAS	N-V		NAYS
	100-200	100-200	
0 0	0	0	0 0
1 1	1	1	1 1
2 2	2	2	2 2
3 3	3	3	3 3
4 4	● 4	4	4 4
5 5	5	5	5 5
6 6	● 6	6	● 6 6
7 7	7	7	7 7
8 8	8	8 ●	8 8 ●
9 9	9	9	9 9

DEL. PRO.	COM. REC.	DATE:
1000	100	1 JAN. 2
2000	200	3
3000	300	1
4000	400	2
500	50	3
RESO.	60	4
2-R.	70	5
3-R.	80	6
QUO.	90	SEPT. 7
MOT.	00	OCT. 8
		NOV. 9
		DEC. 0

the first time in the history of the world, the
whole of the human race has been gathered
together in one place.

It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

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the human race has been gathered together
in one place.

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in one place.

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the human race has been gathered together
in one place.

It is a remarkable fact that the whole of
the human race has been gathered together
in one place.

Approval of § 30 of
CONSTITUTIONAL CONVENTION OF MARYLAND Sess. of Tran. Prov
1967 ROLL CALL and § 21, 22, 23 or GP-13

YEAS	N-V	NAYS
● President		
● Tawes		
● Clark, J.		
● James		
● Abramson		
● Adkins		
Anderson		
● Armor		
● Bamberger		
● Bard		
● Barrick		
● Baumann		
Beachley	●	
Beall	●	
● Bennett		
● Blair		
● Boileau		
● Borom		
Bothe	●	
Boyce	●	
● Boyer		
Boyles	●	
● Bradshaw		
● Bryson		
Burdette	●	
● Burgess		
Bushong	●	
Buzzell	●	
Byrnes	●	
● Caldwell		
● Cardin		
Carson	●	
● Case		
Chabot	●	
● Child		
Cicone	●	

YEAS	N-V	NAYS
● Claquett		
● Clarke, E. J.		
● Cleveland		
Dabrowski		
● Darby		
● Della		
Dorsey	●	
● Dukes		
● Dulany		
● Eckenrode		
● Finch		
● Fornos		
Fox	●	
● Frederick		
Freedlander		
Gallagher		
● Gilchrist		
● Gill		
● Gleason		
● Grant		
● Groh		
● Grumbacher		
Gullett	●	
Hanson	●	
● Hardwicke		
● Hargrove		
● Harkness		
Harris	●	
● Henderson		
● Hickman		
● Hopkins		
Hostetter		
● Hutchinson		
Jett		
● Johnson		
Kahl		

YEAS	N-V	NAYS
● Key		
● Kiefer		
Kirkland	●	
● Kojer		
Kosakowski		
● Koss		
● Leitzel		
● Linton		
● Lord		
● Macdonald		
Malkus	●	
Marion	●	
Mason	●	
● Maurer		
Mentzer	●	
Miller, B.	●	
Miller, E. T.	●	
● Mitchell		
● Morgan		
● Moser		
● Mosner		
● Mudd		
Murphy	●	
● Murray, D. S.		
● Murray, E. C.		
● Needle		
● Neilson		
● Neumann		
● Smith, A. W.		
Pascal	●	
Penniman	●	
Peters	●	
● Powers		
● Price		
● Pullen		
Raley		

YEAS	N-V	NAYS
● Robey, F. C.		
● Robie, K. L.		
● Rollins		
● Rosenstock		
● Rush		
● Rybczynski		
● Scanlan		
● Schloeder		
● Schneider		
● Sherbow		
● Sickles		
● Siewierski		
● Singer		
● Smith, J. H.		
● Smith, M. H.		
● Sollins		
● Sosnowski		
● Soul		
● Stern		
Storm	●	
Sybert	●	
● Taylor, H. E.		
● Taylor, L.		
● Ulrich		
Vecera	●	
● Wagandt		
Webb	●	
Ritter	●	
● Weidemeyer		
Wheatley		
● White		
● Willis		
● Willoner		
● Winslow		

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YEAS	N-V	100-200	100-200	100-200
● 100-200		0	0	● 0
● 0	0	0	0	● 0
1	1	1	1	● 1
2	2	2	2	● 2
3	3	3	3	● 3
4	4	● 4	4	● 4
5	5	5	5	● 5
6	6	6	6	● 6
7	7	7	7	● 7
8	8	8	8	● 8
9	9	9	9	● 9

DEL. PRO.	COM. REC.
1000	100
2000	200
3000	300
4000	400
500	50
RESO.	600
2-R.	700
3-R.	800
QUO.	900
MOT.	000

DATE: 1
● JAN. 2
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Constitutional Convention

AMENDMENT NO. _____

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To Committee Recommendation No. GP-13

BY DELEGATE SEE SPONSORS BELOW

On page 3 Section 7 Delayed Effect of Certain Sections in lines 33 and 35 respectively in each instance strike out the numerals "1970" and insert in lieu thereof respectively in each instance the numerals "1974".

8 BY DELEGATES BOYER, BAUMANN, HICKMAN, HOSTETTER,
9 JOHNSON, KAHL, LINTON, MALKUS,
10 MOSNER, RITTER, K.L. ROBIE, ROLLINS,
11 ROSENSTOCK, RUSH, RYBCZYNSKI,
12 M.H. SMITH, VECERA, WEBB, WEIDEMEYER

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Constitutional Convention

AMENDMENT NO. _____

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To Committee Recommendation No. GP-13

BY DELEGATE RYBCZYNSKI

1 On page 21 following line 45 of Section 20.
2 Duties of Clerk of Superior Court in Baltimore
3 City add the following new section:
4
5 "Section 20A. Jurisdiction of Orphan's Courts
6 On January 1, 1971, the judicial powers and
7 jurisdiction previously vested in the various
8 Orphan's Courts in the State shall be vested in
9 and exercised only by the Superior Court."
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Constitutional Convention

AMENDMENT NO. _____

To Committee Recommendation No. **CP-13**

BY DELEGATE RYBCZYNSKI

1 On page 25 Section 23. Pensions of Spouses of
2 Judges in line 13 strike out the word "Spouses"
3 and insert in lieu thereof the word "Widows";

4
5 And in lines 16, 23, 32 and 41 respectively in
6 each instance strike out the word "spouse"
7 and insert in lieu thereof respectively in each
8 instance the word "widow".

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Individual differences

in personality
and behaviour

by

John C. Holland

with contributions by

John L. Holland

and

Robert W. Holland

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Constitutional Convention

AMENDMENT NO. _____

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To Committee Recommendation No. GP-13

BY DELEGATES CLAGETT, BOILEAU, J.CLARK, GALLAGHER,
GULLETT, HARDWICKE, MENTZER, MOSER, SCHNEIDER, SICKLES,
H.E.TAYLOR.

1 On page 28 Section 30. Procedure to Adopt
2 a County Instrument of Government in line 6
3 after the period add the following:
4
5 "If additional Charter Board members are
6 nominated by petitions signed by three percent
7 of the registered voters of the county or by
8 three thousand voters, whichever is less,
9 which shall be delivered to the Board of County
10 Commissioners within sixty days after the Charter
11 Board shall have been appointed, then the Board
12 of County Commissioners shall call a special
13 election not less than thirty nor more than ninety
14 days after receipt of the petitions unless a
15 regular election falls within the designated
16 period. The appointees of the Board of County
17 Commissioners and those nominated by petitions
18 shall be placed on the ballot in alphabetical
19 order without party designation and the five
20 nominees receiving the largest number of votes
21 shall constitute the Charter Board and shall be
22 responsible for the drafting of an instrument of
23 government.";
24
25 And in line 8 after the word "appointment" insert
26 the words: "or in the event of an election within
27 twelve months from the date of that election".
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